

# EXHIBIT “D”

Holly Lynne Garrett

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JANE DOE,

Plaintiff,

vs.

NORTH PENN SCHOOL DISTRICT,

Defendant.

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CIVIL ACTION NO.  
2:20-CV-05142

- - -

July 28, 2021

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Remote via Zoom Oral Deposition of HOLLY  
LYNNE GARRETT, conducted at the location of the  
witness in Lansdale, Pennsylvania, before DONNA  
ROSNER, a Certified Court Reporter and Notary  
Public of the Commonwealth of Pennsylvania,  
commencing at 10:05 a.m.

GOLKOW LITIGATION SERVICES, INC.  
877.370.3377 ph | 917.591.5672 fax  
deps@golkow.com

1 A P P E A R A N C E S:

2

3 FREIWALD LAW, P.C.

4 BY: LAURA E. LAUGHLIN, ESQ.

5 1500 Walnut Street, 18th Floor

6 Philadelphia, Pennsylvania 19102

7 Tel: (215) 875-8000

8 Email: Lel@freiwalddlaw.com

9 Attorneys for the Plaintiff.

10

11 HENDRZAK & LLOYD

12 BY: MAUREEN A. JORDAN, ESQ.

13 3701 Corporate Center Parkway

14 Center Valley, Pennsylvania 18034

15 Tel: (610) 709-8560

16 Email: Maureen.jordan@zurichna.com

17 Attorneys for the Defendant.

18

19 WISLER PEARSTINE, LLP

20 BY: KYLE J. SOMERS, ESQ.

21 460 Norristown Road, Suite 110

22 Blue Bell, Pennsylvania 19422

23 Tel: (610) 825-8400

24 Email: Ksomers@wispearl.com

25 Attorneys for the Defendant.

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(NO EXHIBITS MARKED.)



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2 THE COURT REPORTER: All parties to  
3 this deposition are appearing remotely and have  
4 agreed to the witness being sworn in remotely.  
5 Due to the nature of remote reporting, please  
6 pause briefly before speaking to ensure all  
7 parties are heard completely.

8 Counsel, please state your  
9 appearance.

10 MS. LAUGHLIN: Laura Laughlin, for  
11 the Plaintiff Jane Doe.

12 MS. JORDAN: Maureen Jordan, for the  
13 Defendant.

14 MR. SOMERS: Kyle Somers, for the  
15 Defendant.

16 - - -

17 HOLLY LYNNE GARRETT, 112  
18 Zieglerville Road, Schwenksville, Pennsylvania  
19 19473, having been first duly remotely sworn, was  
20 examined and testified as follows:

21 EXAMINATION BY MS. LAUGHLIN:

22 Q. Good morning, Ms. Garrett. My name  
23 is Laura Laughlin. I represent Jane Doe in this  
24 action that's been brought against the school  
25 district.

1           You've been identified as a witness in some  
2   of the documents and, from what I understand, has  
3   some knowledge about what happened. So that's  
4   why you've been asked to give a deposition today.

5           Have you ever given a deposition before?

6           A.       No, I have not.

7           Q.       So I'm going to go over a few ground  
8   rules that will make things go a little bit  
9   easier today. As you can see, we are all in the  
10   Zoom format.

11          In the last probably year-and-a-half you've  
12   become familiar with doing things over Zoom. Is  
13   that right?

14          A.       Yes.

15          Q.       So similar to that, if something  
16   goes out or you can't hear me or there was a  
17   break in the connection, just let me know, so  
18   that I can restate it and you've heard everything  
19   that's been said. Okay?

20          A.       Okay.

21          Q.       Because we have Ms. Rosner, the  
22   court reporter, on the screen, she's taking down  
23   everything that is said and is going to create a  
24   transcript from what is said today. So I'd ask  
25   that all of your answers be verbal. Okay?

1 A. Yes.

2 Q. It's normal conversation to nod the  
3 head or say "Uh-huh." So if I follow up to try  
4 and get something clearer, that's what I'm doing.  
5 I'm not trying to be rude. All right?

6 A. Okay.

7 Q. In normal conversation, you may  
8 think you know where I'm going with my question  
9 and want to start answering it. But I'd just ask  
10 because Ms. Rosner is taking a transcript that  
11 you wait until I'm done asking my question before  
12 you start your answer. And I'll try to wait  
13 until you're done your answer before asking my  
14 question. Okay?

15 A. Okay.

16 Q. If I start to ask my next question  
17 and you weren't done answering, just let me know,  
18 and I'll let you finish.

19 A. Okay.

20 Q. If for any reason you need to take a  
21 break today, just let me know, and you can do so.  
22 I would just ask if there's a question pending  
23 that you answer the question before you take your  
24 break.

25 A. Okay.

1 Q. If I ask a question and you're not  
2 sure what I'm asking, just let me know, and I'll  
3 try to rephrase it so you do understand. But if  
4 you answer it, we're all going to assume that you  
5 understood it since I gave you that instruction.

6 A. Okay.

7 Q. We're going to be talking about some  
8 things that happened several years ago, around  
9 the 2014-2015 school year. So if you don't  
10 remember something, you just let me know that. I  
11 don't want you to guess at anything. Okay?

12 A. Okay.

13 Q. The only caveat to that, I would  
14 say, is you can estimate. If you don't know the  
15 exact date something happened or the exact time  
16 or exactly what was said, to quote it, but you  
17 want to kind of estimate that, you just let us  
18 know that that's what you're doing. Okay?

19 A. Okay.

20 Q. Now, I understand you identified  
21 yourself as "Ms. Garrett." But in some of the  
22 records, it's "Ms. Andrew." Did you get married  
23 at some point or change your name?

24 A. Yes. I got married in 2015.

25 Q. So when we see "Holly Andrew" in



1 some of the records, that's you, just your maiden  
2 name?

3 A. It was from my first marriage. My  
4 maiden name is Wilson.

5 Q. I understand.  
6 Where do you work presently?

7 A. At Gwynedd Square Elementary.

8 Q. And how long have you worked there?

9 A. Since 2008.

10 Q. And have you had the same role since  
11 you started in 2008 to the present at Gwynedd  
12 Square?

13 A. I was considered a "special  
14 education teacher" when I first started in 2008.  
15 And three years ago, I took the role of inclusion  
16 facilitator.

17 Q. So around 2018?

18 A. Yes.

19 Q. Can you just describe for me what  
20 your duties and responsibilities are as the  
21 inclusion facilitator?

22 A. I support the other special  
23 education teachers and general education teachers  
24 in the building with inclusion practices. So if  
25 a child is struggling in a classroom, I help

1 maybe accommodate or modify a curriculum or  
2 different assignments throughout the building.

3 Q. Is it a more office-type position  
4 versus being in the classroom with the children?

5 A. No. I still have a small caseload  
6 of students, so I am still in the classroom. But  
7 they give me time to visit with every grade level  
8 and teacher in the building.

9 Q. Time each day, do you mean?

10 A. No. Typically, if we breakdown my  
11 five days, three days are supposed to be an  
12 inclusion facilitator, like 60 percent, and then  
13 two days, which is about 40 percent, I'm  
14 considered a special education teacher.

15 Q. Did you have to take any additional  
16 training or classes to take on the role of  
17 inclusion facilitator?

18 A. No, I did not.

19 Q. Was that a job you applied for? How  
20 did it come up that you were switching from  
21 special-ed teacher and taking on this additional  
22 role of inclusion facilitator?

23 A. Our inclusion facilitator that was  
24 working at Gwynedd Square was getting transferred  
25 to another building. So my supervisor at the

1 time asked me if I wanted to take on the role of  
2 inclusion facilitator.

3 Q. And going back to your role as a  
4 special education teacher, can you describe for  
5 me exactly what your job duties and  
6 responsibilities were in that role?

7 A. I was the case manager for a group  
8 of students. Some years I would only have one  
9 grade level. Some years I would have two. Some  
10 years I would even have three grade levels. And  
11 I was responsible for implementing their IEP, and  
12 also completing all of the paperwork that goes  
13 along with the IEP.

14 Q. Do you remember in the 2014 to 2015  
15 school year how many grades you were responsible  
16 for?

17 A. I had three grade levels that year:  
18 Second, fourth, and sixth.

19 Q. You said some years you've had one,  
20 some years you've had two, some years you've had  
21 three. Was the 2014 to 2015 school year the only  
22 year you had three grades?

23 A. No. I had had three grade levels  
24 before in previous years.

25 Q. Had you had them since that time?



1           A.           I've had two grade levels since that  
2     time.

3           Q.           I'll give you another instruction.  
4     I may ask you questions that you just don't know.  
5     You're not part of those conversations. You  
6     really don't know.

7           The question I'm going to ask you now, if  
8     you don't know, it's okay to say that you don't  
9     know. Do you know why certain years you'd have  
10    three grades and certain years you'd have one?  
11    Do you know how that decision was made?

12          A.           It really depends on the amount of  
13    IEP students in a grade level. There are some  
14    years where we have a larger population of IEP  
15    students in a grade level. So then we try to  
16    just have one teacher, if there's a larger  
17    number. But if there's smaller numbers, then  
18    sometimes special education teachers will get  
19    placed in two or three grade levels.

20          Q.           In the 2014-2015 timeframe, do you  
21    know how many special education teachers Gwynedd  
22    had?

23          A.           I couldn't say exactly. I would say  
24    around six or seven.

25          Q.           Was that typical for the years you



1 worked there, from 2008 to the present?

2 A. Yes.

3 Q. How is your day typically broken up  
4 in the 2014 to 2015 school year?

5 A. I had to get into all of the grade  
6 levels. So my schedule was, you know, going from  
7 second grade to fourth grade to sixth grade,  
8 upstairs, downstairs.

9 Q. And what exactly would that look  
10 like? Do you speak with the teachers or are you  
11 actually interacting with the students, just so I  
12 can get a better understanding of what your  
13 day-to-day looked like?

14 A. I might have gone into second grade  
15 maybe for about 40, 45 minutes, and supported  
16 with a language arts lesson. The teacher and I  
17 would have planned in the morning, and I would  
18 have worked directly with the students. Then  
19 maybe gone upstairs for 45 minutes of a fourth  
20 grade class, and then gone to sixth grade, then  
21 maybe back to fourth grade.

22 I would try to get to the language  
23 arts classes and the math classes for the grade  
24 levels that I worked with.

25 Q. And why was that?

1           A.           The core subjects where the children  
2 needed the most support in reading and math.

3           Q.           Do you recall how many students with  
4 IEPs you had in the sixth grade in the '14 to '15  
5 school year?

6           A.           I don't remember.

7           Q.           Can you estimate that at all?

8           A.           With the three grade levels, I can't  
9 say how many I had. I'm not sure.

10          Q.           Would the students that needed your  
11 assistance, would they typically all be in the  
12 same sixth grade classroom or would you also have  
13 to rotate between teachers in the sixth grade?

14          A.           We tried to group them together so  
15 that my time was more useful. So if I went into  
16 a language arts class, my students with IEPs were  
17 in that classroom.

18          Q.           Okay.

19          A.           So I didn't have to go to multiple  
20 sixth grade classrooms.

21          Q.           I understand.

22                       So when you're going into the actual  
23 classrooms, are you only working with  
24 students/kids that have IEPs?

25          A.           Some years, yes. It really depends

1 on the amount of time that I'm able to get in a  
2 classroom. If I'm able to be there for the  
3 entire block, then I would typically try to work  
4 with the entire class. But if my schedule  
5 constricted me, and I was only able to be in  
6 there like 45 minutes, then I would really -- I  
7 know in the past, I would just try to work with  
8 my IEP students, to give them the support that  
9 they needed.

10 Q. Can you just explain for me when  
11 you're giving these students support that they  
12 need, what exactly are you doing?

13 A. So it really depends on what the  
14 lesson is. If we're doing a spelling lesson,  
15 they may have different words. So their lesson  
16 may look a little bit different. If we're doing  
17 a reading lesson, I may even be using a different  
18 story with them or using the same story, but more  
19 guided and more support. So, like, instead of  
20 them just having to answer comprehension  
21 questions, their comprehension questions would be  
22 done with me, and I would guide them to a  
23 specific page number to find the information that  
24 they needed.

25 Q. If all the students are in the

1 classroom together, if there's 25, 30 students,  
2 and you're coming into just, say, Ms. Divver's  
3 classroom, just say for example, do you have an  
4 estimate of how many kids were in her class in  
5 2014-2015?

6 A. I can't say. I'm not sure.

7 Q. Do you think it was around, like, 20  
8 or does that sound like too many?

9 A. That sounds kind of low.

10 Q. Okay.

11 A. Like, 25 is a typical average.

12 Q. Okay. So if there's 25 students in  
13 Ms. Divver's classroom, and you're coming in.  
14 You have certain students that need that support  
15 because they have IEPs, and they're the students  
16 on your case list. Are you just walking into the  
17 class of 25 and sitting near the students that  
18 need the assistance? How does that work?

19 A. Sometimes.

20 Mrs. Divver and I would plan  
21 together. So I knew what we were going to be  
22 doing in those 45 minutes that I came in. So if  
23 the students were working in small groups, they  
24 were purposefully placed into groups so that I  
25 could check on certain students. If we were

1 doing a whole group lesson, I may have already  
2 modified the assignment. So I would just walk  
3 around to make sure that the students that were  
4 on my caseload understood what they were doing,  
5 if they had any questions.

6 Q. So Mrs. Divver would present the  
7 lesson to the class, and then you would go to  
8 your specific students that were on your caseload  
9 and offer assistance, if they understood, and  
10 things like that?

11 A. Correct.

12 Q. Today we're going to be talking  
13 about [REDACTED] Henderson specifically.

14 But do you know whether [REDACTED] [REDACTED] was  
15 also a part of your caseload?

16 A. He was not.

17 Q. Do you know whether he had an IEP or  
18 was part of the special education program?

19 A. He did not have an IEP in sixth  
20 grade.

21 Q. When you say "in sixth grade," did  
22 he have one before, if you know?

23 A. Actually, I couldn't say. I'm not  
24 sure.

25 Q. Before you worked at Gwynedd in



1     2008, what did you do?

2           A.       I was a teacher in Carlisle Area  
3     School District.

4           Q.       And what kind of teacher were you?

5           A.       Special education teacher.

6           Q.       In elementary school or in what  
7     capacity?

8           A.       Middle school. It was sixth,  
9     seventh and eighth grade.

10          Q.       How long did you do that for?

11          A.       About seven years.

12          Q.       So from about 2001 to 2008, you were  
13     at that school?

14          A.       Correct.

15          Q.       And why did you end up leaving there  
16     to go to Gwynedd?

17          A.       My husband and I, at the time,  
18     wanted to move back to this area, because this is  
19     where we grew up. When I first graduated  
20     college, I wasn't able to get a job around here.  
21     So we had moved out to Carlisle, for me to get my  
22     teaching job, and then we wanted to move back to  
23     the area.

24          Q.       And where did you go to college?

25          A.       My undergrad was Kutztown

1 University.

2 Q. And what did you study there?

3 A. It was a dual major, special  
4 education and general education.

5 Q. Did you go to grad school, as well?

6 A. I did. I got my master's degree  
7 through Wilkes University.

8 Q. I'm smiling because that's where I  
9 went for undergrad.

10 A. I did it online.

11 Q. Okay. And what was your master's in  
12 at Wilkes?

13 A. Education.

14 Q. Just a master in education?

15 A. Correct.

16 Q. Was the teaching position you  
17 started in 2001 in Carlisle, was that your first  
18 job out of school?

19 A. I substituted for a few months, but  
20 yes, that was my first full-time job out of  
21 school.

22 Q. Were you substituting as a special  
23 education teacher or just general?

24 A. Substituting was pretty much  
25 everything.

1 Q. And, do you remember, when did you  
2 graduate from Wilkes with a master's degree?

3 A. I want to say 2012. It might have  
4 been 2013.

5 Q. When did you start that program?

6 A. I'm not really sure.

7 It took me a long time. So I would  
8 say maybe six or seven years prior to that.

9 Q. Is there a normal course of how long  
10 it takes if you go full time?

11 A. I'm not really sure.

12 Q. You said you were taking it online.  
13 Were you working full time, and then doing the  
14 online courses at night?

15 A. Yes, I was.

16 Q. Is that the only reason that it took  
17 you six to seven years to complete the program?

18 A. Yes. That and I also have three  
19 children.

20 Q. That's a handful sometimes.

21 A. Yes.

22 Q. There wasn't any issue in the Wilkes  
23 program with not being able to pass courses or  
24 anything like that; right?

25 A. No. My GPA was very good.



1 Q. When did you graduate from Kutztown?

2 A. 2001.

3 Q. During your training at Kutztown or  
4 Wilkes, do you recall ever receiving any training  
5 on Title 9?

6 A. No, not that I can remember.

7 Q. Working at Gwynedd, is your actual  
8 employer the North Penn School District?

9 A. Yes.

10 Q. When you started working at Gwynedd  
11 through North Penn School District, do you recall  
12 getting any kind of training to take on the role  
13 of a special education teacher at Gwynedd?

14 A. I went through the mentor program.

15 Q. And what is that?

16 A. It's for new teachers, like new  
17 teachers into the district, and also new teachers  
18 that are newly graduated.

19 I didn't have to do the full mentor  
20 program, because I had already been teaching for  
21 several years. But I do know we had classes,  
22 like, once a month just on practices and, like,  
23 things about the North Penn School District.

24 Q. So it was one time a month you would  
25 have this mentor program.

1 Who ran the mentor program?

2 A. I don't remember.

3 Q. Did you have a specific mentor that  
4 you were assigned to?

5 A. I know I did have one teacher that  
6 would run the program, and she would come into my  
7 room sometimes to do visits with me.

8 Q. Do you remember who that was?

9 A. Yes, I do remember her.  
10 But I don't know who ran the  
11 program.

12 Q. What was the teacher's name that was  
13 kind of popping into your room and working with  
14 you?

15 A. Ann Warren.

16 Q. Was she another special education  
17 teacher at Gwynedd?

18 A. No. She was like a teacher on  
19 special assignment at the time. So she was  
20 helping with the mentor program.

21 She's now back in the classroom.

22 Q. This one time a month, did it last  
23 for the full first year that you were employed?

24 A. Yes.

25 Q. And can you describe for me what

1     **these once-a-month sessions would be like?**

2           A.       They would be a different --  
3     typically it would be a different topic every  
4     month. So sometimes we would dive into, like,  
5     the language arts curriculum or sometimes the  
6     math curriculum. They would do information on,  
7     like, technology, different technology, things  
8     that we could use within the classroom.  
9     Sometimes we would just talk about struggles we  
10    were having in the classroom and try to  
11    brainstorm suggestions or different things to  
12    help the newer teachers.

13          Q.       Was there any documents or materials  
14    that were provided to you as part of these  
15    once-a-month sessions?

16          A.       I mean, I'm sure that there was  
17    paperwork that was provided. Like, when we were  
18    diving into the language arts program, I'm sure  
19    they gave us the scope and sequence for language  
20    arts.

21                    I don't really remember the  
22    paperwork I received during that program.

23          Q.       Safe to say you don't have it  
24    anymore, whatever paperwork you might have  
25    received?



1 A. Correct.

2 Q. And do you recall whether any of the  
3 once-a-month trainings were on Title 9?

4 A. I don't know.

5 Q. Do you know whether, prior to the  
6 2014-2015 school year, whether you had ever  
7 received any training from the district on Title  
8 9?

9 A. Not that I remember, no.

10 Q. I know it's a little difficult, but  
11 I'm asking you questions what you knew back then.  
12 So if you just found out last month what things  
13 were, I'm really focused on what your knowledge  
14 was back in the 2014-2015 timeframe.

15 Did you know what Title 9 was back then?

16 A. No.

17 Q. As part of the training you received  
18 from the district, do you recall ever receiving  
19 training on sexual harassment?

20 A. I know that we have to do trainings  
21 for that, like, online where you watch a video  
22 and then maybe answer some questions.

23 Q. When did you have to do that, if you  
24 recall?

25 A. I think we have to do it every

1 couple of years.

2 Q. Do you know when that was  
3 implemented? When that started?

4 A. I don't know.

5 Q. Do you know whether, prior to the  
6 2014-2015 school year, you were watching those  
7 videos and answering questions?

8 A. I can't say exactly, but -- I'm not  
9 sure.

10 Q. The training that you received, can  
11 you give me a general sense of what it covered?

12 A. What training?

13 Q. The sexual harassment where you said  
14 you would watch a video and answer some  
15 questions.

16 A. Not really.

17 It would usually be lumped in with  
18 several other trainings, like maybe child abuse.  
19 I know -- sometimes I feel like we have to do a  
20 lot of those types of videos.

21 I don't feel comfortable to speak to  
22 a sexual harassment one. I'm not sure.

23 Q. You don't feel comfortable because  
24 you're not sure whether you saw one or watched  
25 one, you mean?

1 A. Yeah. Correct.

2 Q. When you said that you watched one  
3 on child abuse, you think, do you know around  
4 when that was?

5 A. I know I just did one this past  
6 year.

7 I'm not sure what the requirements  
8 are, like how often it has to be done.

9 Q. In the child abuse, do you know  
10 whether you had watched a video like that prior  
11 to the 2014-2015 school year?

12 A. I'm not sure.

13 Q. The child abuse video that you  
14 recently saw, does it also cover, like,  
15 child-on-child-type incidents or is it more  
16 focused on adult-to-child abuse and things to  
17 look out for?

18 A. More focused on things to look for,  
19 like signs and symptoms to look for.

20 Q. Like if a child is being abused at  
21 home or something?

22 A. Yes.

23 Q. Do you know who makes the video or  
24 is it, like, an outside company that you're  
25 watching videos through?

1           A.           I'm not really sure.

2           Q.           Where do you watch the videos?

3           A.           Typically we're sent a link through  
4 our district email when we have to do required  
5 trainings. And then everything we need to get --  
6 if we need a password or anything to get onto a  
7 training, everything is in the email from the  
8 district.

9           Q.           Do you recall prior to the 2014-2015  
10 school year ever receiving training on reporting  
11 within the Gwynedd School?

12          A.           I mean, I don't exactly remember if  
13 I had a specific training, but I'm sure we did.

14          Q.           Do you recall what the reporting  
15 requirements were or what you were trained on or  
16 trained to do back then?

17          A.           I know that it's changed, like,  
18 recently. As mandated reporters, we are the ones  
19 that call Children and Youth.

20                       Previously we would go to our  
21 building administrator to make a claim or if  
22 something was -- if we felt that a phone call  
23 needed to be made.

24          Q.           Who is the building administrator?

25          A.           The school principal.

1 Q. Mr. Bowen?

2 A. At the time, yes.

3 Q. A couple of years ago it changed to  
4 somebody else; right?

5 A. Yes.

6 Q. Did you have training from the  
7 district on what was reportable to the  
8 administrator or what wasn't?

9 A. Not that I can remember.

10 Q. Prior to the 2014-2015 school year,  
11 had you ever been trained on consent for  
12 children, like children at the elementary school?

13 A. Not that I can remember.

14 Q. Prior to the 2014-2015 school year,  
15 did you have any understanding from any other  
16 source of consent for children?

17 A. Not that I can remember.

18 Q. Prior to the 2014-2015 school year,  
19 had you ever seen any of the North Penn School  
20 Board policies?

21 A. I'm sure that they were sent to us,  
22 again, through our district email.

23 Q. Just sending all of the policies or  
24 the policy manual or something, you mean?

25 A. I can't really speak to that. I'm



1 not sure.

2 Q. Do you remember ever receiving  
3 training on any of the policies where the policy  
4 is shown; they go through it with you?

5 A. The school board policy? No.

6 Q. Specifically there's one on  
7 harassment. Do you recall ever receiving any  
8 training on the school board's harassment policy;  
9 like what constitutes harassment; what to do if  
10 there is harassment?

11 A. I don't think so, no.

12 Q. Other than the policy you think  
13 maybe -- or policies being sent to you -- was it  
14 sent to all of the employees of the school, you  
15 think?

16 A. Yes.

17 Q. Other than that, just being sent all  
18 of the policies, do you know whether the policies  
19 were kept anywhere in the school or that you  
20 could access them in some way?

21 A. I'm sure on the district website,  
22 I'm sure we could access them that way.

23 I'm not really sure.

24 Q. If you had a question about a school  
25 policy or something like that, do you know who

1     you could go to about something like that?

2           A.       I would probably go to a building  
3 administrator, meaning my building principal or  
4 either my special education supervisor.

5           Q.       And who was the special education  
6 supervisor? Was that Dr. Santoro?

7           A.       She's considered the director of  
8 elementary education.

9                    The building supervisors are for  
10 special education. So I think at the time it was  
11 Tiffany D'Amore.

12          Q.       And did you ever go to -- whether it  
13 was the principal or Ms. D'Amore at any time with  
14 any questions about policies at the school?

15          A.       Not that I can remember, no.

16          Q.       So I'm going to be asking you  
17 questions about conversations you may have had.  
18 But just to clarify, I'm not asking you questions  
19 you may have had with Ms. Jordan or Mr. Somers or  
20 any other lawyer that you may have spoke to.  
21 Okay?

22          A.       Okay.

23          Q.       In preparation for the deposition  
24 today, did you review any documents?

25          A.       Just a few that were in my employee

1 file, I guess.

2 Q. Did you review your entire employee  
3 file?

4 A. No, I did not.

5 Q. How do you know that the documents  
6 you reviewed were from your employee file?

7 A. When Maureen gave me the --

8 Q. I'm sorry. Let me just pause for a  
9 second. I don't want to ask anything about what  
10 Maureen, your counsel, may have said to you or  
11 given to you. If that's the answer and you only  
12 know because she told you, I don't want to know  
13 that.

14 But if it's something like, "Oh, well, I've  
15 seen my employee file, and these are the things  
16 that were in it," or because of this incident  
17 we're here to talk about today, those were in the  
18 file. If it's something outside of your  
19 conversations with her, you can tell me about it.

20 But the conversations that you had with your  
21 lawyer are protected. So I can't ask you about  
22 that. I'm trying to avoid asking you about that.

23 A. Okay.

24 Q. Outside of your conversation with  
25 Ms. Jordan, is there a reason that you believe



1     that they came from your employee file?

2           A.       Outside of my conversations with Ms.  
3     Jordan, I have no idea. I didn't review anything  
4     from my employee file.

5           Q.       You didn't review the employee file  
6     itself?

7           A.       Correct.

8           Q.       Do you remember what the documents  
9     were that you reviewed?

10          A.       The behavioral write-up slip that I  
11     did in the 2014-2015 school year, and then some  
12     documentation on meetings that were held with me.

13          Q.       Like notes from the meetings?

14          A.       Yes.

15          Q.       When you say "the behavioral  
16     write-up slip," do you mean the office referral  
17     form?

18          A.       Yes.

19          Q.       You used the phrase "behavioral  
20     write-up slip." Is that what you would normally  
21     call it in school?

22          A.       I don't know a specific term. I  
23     guess "office write-up, behavior slip." There's  
24     different terms for it.

25          Q.       Do you have an independent

1 recollection -- before I ask you that, other than  
2 speaking with your counsel, did you speak with  
3 anybody else before your deposition today?

4 A. No, I did not.

5 Q. Do you have independent memories,  
6 before you ever even looked at the documents in  
7 preparation for your deposition, of the incident  
8 that happened with [REDACTED] and [REDACTED] in the  
9 2014-2015 school year?

10 A. A little bit. It was a long time  
11 ago.

12 Q. Can you tell me what you remember  
13 from that time, your independent memory of that?

14 A. Like I had said earlier, I knew that  
15 I worked with three grade levels that year. It  
16 was our first year with full inclusion at Gwynedd  
17 Square. So I was pushing into all of the  
18 classrooms. I no longer had a self-contained  
19 classroom.

20 Q. What does it mean when you said it  
21 was the "first year of full inclusion"? What  
22 does that mean?

23 A. We used to have learning support  
24 classrooms where students that qualified for  
25 reading would come into my room. They would

1 leave the regular education classroom and come  
2 into my room for reading or leave the regular  
3 education classroom and come into my room for  
4 math.

5 So 2014-2015 school year was the  
6 first year that we no longer had the learning  
7 support classrooms.

8 Q. So then you're actually -- like you  
9 were talking about earlier -- going into a class  
10 of 25 people and just trying to assist the people  
11 that are on your caseload in that class?

12 A. Correct.

13 Q. When it became full inclusion, would  
14 the students on your case list, would they all be  
15 seated together or were they spread out  
16 throughout the room and you're going throughout  
17 the room to these students?

18 A. They would typically be spread out  
19 throughout the room.

20 Q. And I apologize if I asked you this  
21 before, but do you recall or can you estimate for  
22 me about how many students you had in Ms.  
23 Divver's class that year?

24 A. I can't really say. I don't  
25 remember.

1           Q.       Would it have been, like, more than  
2   three?

3           A.       Probably.

4           Q.       Did you have a typical amount of  
5   students that would be in a particular class?

6           A.       Like I said, it really depended on  
7   the year. Some years had more IEP students in a  
8   grade level and other years had less. I mean,  
9   there's been some years where I've had 17  
10   students in one grade level.

11          Q.       Okay. So it can range from 17 to  
12   about what?

13          A.       I can't really say an average. It  
14   just depends on the year.

15          Q.       So when you're going into the full  
16   inclusion classroom, did you get any kind of  
17   training in order to kind of merge from what you  
18   had done before with having a separate learning  
19   support class and now being everything full  
20   inclusion?

21          A.       At the beginning of that school  
22   year, we did have -- one of our professional  
23   developments was on moving to inclusion.

24          Q.       How was it moving to full inclusion  
25   from having your own separate space that you

1     could take these kids to?

2           A.       The first year, it was tough. It  
3     was a big adjustment.

4           Q.       Tough in what ways?

5           A.       Especially for the students, because  
6     they had been used to coming out and now they  
7     were staying in the classroom. So dealing with  
8     some of those anxieties.

9                   And then also just switching the way  
10    that I taught. I no longer had my own classroom.  
11    I had to plan with multiple teachers.

12          Q.       Was it overwhelming that year,  
13    switching from what you had done to this new way  
14    of doing things?

15          A.       Yes. I would say yes.

16          Q.       You could tell by your laugh and  
17    your reaction that it must have been a rough year  
18    going from what you had done for all those years  
19    to now everyone being in the same room.

20          A.       Yes.

21                   It's normal now. It's our norm now.  
22    But yes, the first year was tough.

23          Q.       Were there times where, like, Mrs.  
24    Divver would step out, and it would kind of just  
25    be you in the classroom with all the students?



1           A.           I mean, I'm sure that happened, if  
2 someone had to use the restroom or if they got a  
3 phone call or something and had to step out.

4           Q.           I just started asking what  
5 independent memories you had of the incident or  
6 surrounding the incident in November of 2014.  
7 That's when the incident was. Do you recall  
8 that?

9           A.           Yes.

10          Q.           You started out by saying it was  
11 your first year in full inclusion; you no longer  
12 had your own separate classroom; you're doing  
13 everything in the room with all of the students  
14 now. Tell me the next thing that you remember.

15          A.           About the day that I wrote up the  
16 behavioral slip?

17          Q.           Sure. Yes.

18          A.           It was in a language arts class in  
19 Mrs. Divver's room. And I remember the students  
20 were working in small groups. So there were  
21 groups of students all around the classroom. And  
22 I remember where the two students were seated, in  
23 the back of the room. And I was working on the  
24 front rug with another group of students,  
25 continuously scanning the room, looking around,

1 when I noticed that both of the students in the  
2 back of the room had their hands under the table,  
3 and [REDACTED] was starting to put his hand up  
4 [REDACTED] sweatshirt. So I pointed at the  
5 students. They both made eye contact with me.

6 I called them out into the hallway.  
7 And I think I was just shocked at the time. I  
8 asked them what were they doing. Reading my  
9 write-up that I did, "[REDACTED] did not say a word.  
10 [REDACTED] denied that anything had happened."

11 And we did go back into the  
12 classroom after that. And I remember I wrote up  
13 a behavior slip, office slip -- whatever we're  
14 calling it -- I wrote one up for [REDACTED] and for  
15 [REDACTED]

16 Q. So two different slips?

17 A. Two different slips, correct.

18 Q. Prior to this day, I assume you had  
19 known [REDACTED] before?

20 A. I also had [REDACTED] in fifth grade. I  
21 was her case manager in fifth grade when I had my  
22 self-contained classroom.

23 Q. And fifth grade, was that the first  
24 time you had interactions with [REDACTED] or she had  
25 been on your caseload?

1           A.           Yes. I didn't have her previous to  
2 fifth grade.

3           Q.           At the time when this incident  
4 happened that you just recalled for me, were you  
5 the only teacher in the room?

6           A.           I was. Mrs. Divver had stepped out,  
7 I think, to use the bathroom.

8           Q.           I don't have the benefit of seeing  
9 what the classroom looked like. But can you kind  
10 of describe for me how big it was, where is  
11 everything, so I can get kind of a visual picture  
12 of where you were, where [REDACTED] and [REDACTED] were?

13          A.           I'm not sure of room dimensions.  
14                       Where the classroom door is, when  
15 you first walk in, there was a rug in the front  
16 of the room by the whiteboard. And then the  
17 student desks were kind of grouped around. And  
18 there was a table, a smaller table, towards the  
19 back of the room, near the sink.

20          Q.           Can you estimate for me how far it  
21 was from the rug area to the back of the room?

22          A.           Fifteen feet.

23          Q.           And when you described you were on  
24 the rug area with students, is that the front of  
25 the room?

1 A. Correct.

2 Q. And then the table that [REDACTED] and  
3 [REDACTED] were at -- were they at a table?

4 A. Yes.

5 Q. And that was the table you described  
6 at the back of the room?

7 A. Yes.

8 Q. Were there other students at the  
9 table with them?

10 A. No.

11 Q. Do you know how they ended up at  
12 that table? Was that their assigned seat?

13 A. I'm pretty sure they didn't have  
14 assigned seats, because some students were  
15 sitting on the floor; some students were sitting  
16 on the rug; some students were at desks; some  
17 students were at tables.

18 Q. Were they, at this point in the day,  
19 were they working together on some type of  
20 assignment that was given?

21 A. Yes. I don't remember what the  
22 assignment was, but they were working with  
23 partners. Everyone was partnered up in the  
24 class.

25 Q. Were the partners assigned by the



1 teacher or somebody or did the kids pick their  
2 own partners?

3 A. I don't remember.

4 Q. Was there like a typical way of  
5 doing things in Ms. Divver's class?

6 A. Honestly, I don't remember.

7 Q. Now, you said as you're kind of on  
8 the floor with the students on the rug, working  
9 with them, and you're scanning the room, you said  
10 you noticed both students had their hands under  
11 the table. You're referring to [REDACTED] and  
12 [REDACTED] right?

13 A. Correct.

14 Q. Surrounding this table, were there  
15 other students close by or was the table kind of  
16 a little bit on its own?

17 A. No. There were other students close  
18 by.

19 Q. And you said that you noticed both  
20 the students had their hands under the table.  
21 What exactly do you mean? Where were their  
22 hands?

23 A. Just under the table.

24 Q. Were they both sitting in chairs?

25 A. Yes.

1 Q. Were they sitting next to each  
2 other; across from each other?

3 A. They were sitting next to each  
4 other.

5 Q. From your vantage point, were you  
6 able to see the front of their bodies or the  
7 side?

8 A. The front.

9 Q. So you're, like, looking directly at  
10 both of them that are facing you?

11 A. Correct.

12 Q. So you see all four hands underneath  
13 the table?

14 A. Correct.

15 Q. Where were the hands? What were the  
16 hands doing that you could see?

17 A. Touching each other's hands.

18 Q. Like, holding each other's hands?

19 A. Yeah. Yes.

20 Q. And then you saw from that [REDACTED]  
21 hand start to go up [REDACTED] shirt?

22 A. Correct.

23 Q. Was it the front of her shirt?

24 A. Yes.

25 Q. And then you said at that point, you

1 pointed to them in the back of the room?

2 A. I made eye contact with them.

3 Q. As [REDACTED] hand is going up

4 [REDACTED] shirt, were you able to see the look on

5 [REDACTED] face at all?

6 A. I don't remember.

7 Q. What about the look on [REDACTED]  
8 face? Were you able to see what he looked like  
9 at the time?

10 A. I don't remember.

11 I feel like it happened so fast.

12 Q. So you looked at them and pointed at  
13 them. And then did you say anything? You said  
14 you called them out into the hallway.

15 A. Yes.

16 Q. What did you say?

17 A. I don't remember my exact words.

18 Q. Had you ever been in a situation  
19 similar to this prior to this occasion?

20 A. No. No. Definitely not.

21 Q. Do you recall ever receiving any  
22 kind of training from the North Penn School  
23 District on a situation where one student is  
24 touching another student?

25 A. Not that I can remember.

1 Q. So you called them both out into the  
2 hallway. And I think you said you were "shocked"  
3 by this scenario.

4 A. Yes.

5 Q. When you called them out to the  
6 hallway, were the rest of the students in the  
7 classroom or did you get anybody to cover for you  
8 while you pulled them out?

9 A. By this point Mrs. Divver was back  
10 in the room. She had only run to the bathroom.

11 Q. So by the time you're pulling the  
12 kids out, [REDACTED] and [REDACTED] Mrs. Divver was back  
13 in the classroom?

14 A. Correct.

15 Q. Did you say anything to Mrs. Divver  
16 at the time while you're pulling these two  
17 particular kids out?

18 A. Yes. I know that we had had a  
19 conversation, because I had given her the copies  
20 of the office referral -- the behavior slips that  
21 I wrote up.

22 Q. But you didn't write up the behavior  
23 slips at this point; right?

24 A. After I spoke with the two students,  
25 I wrote the slips up, and then I gave them to



1 Mrs. Divver.

2 Q. When you're in the process of  
3 pulling the kids out, though, I'm asking did you  
4 have any conversation with Mrs. Divver at that  
5 point?

6 A. I don't know if I spoke to her  
7 before I pulled them out or after I pulled them  
8 out, but I know that I made her aware of the  
9 situation.

10 Q. So why did you pull out both kids at  
11 the same time?

12 A. I don't know.

13 Q. You said you pulled them out, and  
14 you asked them what they were doing?

15 A. Probably something like that.

16 Q. Do you recall saying anything else  
17 to them?

18 A. Not really.

19 Q. And you said when you asked what  
20 were they doing, [REDACTED] didn't say a word; right?

21 A. Correct.

22 Q. What was the look on his face? Was  
23 he looking at anybody?

24 A. It was so long ago, I don't want to  
25 speak to his facial expressions. I'm not really

1 sure.

2 Q. What about for [REDACTED] Do you  
3 remember anything about her, her body language?

4 A. I'm not sure.

5 Q. When you were speaking to them, were  
6 their backs up against a wall or -- describe for  
7 me where you were in comparison to where the two  
8 of them were.

9 A. We were just right outside the  
10 classroom door, in the hallway. They were not up  
11 against a wall. They were just standing in the  
12 hallway.

13 Q. When you said "What were you doing,"  
14 did either of them say what was happening?

15 A. Like I said, [REDACTED] did not say a  
16 word, and [REDACTED] said what -- like, nothing had  
17 happened.

18 Q. [REDACTED] said what?

19 A. I'm not really sure. I don't want  
20 to say words, because it was so long ago.

21 But I know she said nothing had  
22 happened. She denied anything had happened.

23 Q. Do you remember asking her  
24 specifically if something happened?

25 A. I'm not really sure. I don't want

1 to speak to our conversation, because I don't  
2 remember words that I used.

3 Q. And then after this interaction,  
4 what happened next?

5 A. Well, I'm assuming we went back into  
6 the classroom. And then I know I wrote up the  
7 two office referral slips. And then I gave them  
8 to Mrs. Divver.

9 Q. Since you reviewed some of the notes  
10 you saw, I would assume that there was also a  
11 notation of you saying to these two kids that you  
12 "won't tell their parents if it doesn't happen  
13 again." Do you remember that?

14 A. I don't remember bringing the  
15 parents in at all. I don't remember saying  
16 anything about the parents.

17 Q. Do you remember telling them that if  
18 this doesn't happen again, you won't go to the  
19 principal?

20 A. I may have said that.

21 Q. When I asked you the question about  
22 "not telling their parents," do you deny that you  
23 said that or you just don't remember?

24 A. I'm not sure.

25 Q. Why would you have told these two

1 students that if it didn't happen again, you  
2 wouldn't go to the principal?

3 A. At the time I just felt like it was  
4 two kids being silly; it was a mutual thing  
5 between the two of them.

6 Q. You thought that a boy putting his  
7 hand up the girl's front of her shirt in sixth  
8 grade was them "being silly"?

9 A. No. That doesn't sound right.  
10 Honestly, I don't know. I don't  
11 know.

12 Q. At the time when you were telling  
13 these two kids that you wouldn't go to the  
14 principal -- or whether it was the parents or the  
15 principal, you wouldn't go to them if it didn't  
16 happen again, what was your mental state at that  
17 time? Why would you tell them that?

18 A. [REDACTED] and [REDACTED] were friends.  
19 They were working together that day. They  
20 continued to be friends after this situation.  
21 They would play together at recess.

22 I can't really speak to my mental  
23 state. I don't really remember.

24 Q. When you say "they were friends,"  
25 did [REDACTED] ever tell you that they were friends?



1           A.           I just remember different situations  
2   in recess with [REDACTED] wanting to play with  
3   [REDACTED] wanting to get his phone number.

4           Q.           She told you these things or how do  
5   you know this?

6           A.           [REDACTED] [REDACTED] did that year, yes.

7           Q.           Do you know when in the school year  
8   that was?

9           A.           In the spring, at recess time, I  
10   remember there was some documentation about  
11   [REDACTED] on the playground with [REDACTED]

12          Q.           Are you referring to Ruth Divver's  
13   summary of when they were on the playground  
14   together? Is that what you're talking about?

15          A.           Yes.

16          Q.           Do you remember something  
17   independent of that document?

18          A.           Like a side conversation or  
19   something? No.

20          Q.           I'm just asking if what you're  
21   saying is because you just reviewed the paperwork  
22   and one of the pieces of paper that you reviewed  
23   was Ruth's statement about "In the spring, when  
24   the kids were playing on the playground," or if  
25   there's something independent you remember about

1 it?

2 A. Nothing independent.

3 And I don't have Mrs. Divver's  
4 statement from the playground incident.

5 But I do remember that year. I just  
6 remember [REDACTED] wanting to play with [REDACTED] on  
7 the playground.

8 Q. At the time when you saw this  
9 interaction in the back of the classroom and you  
10 pulled them out, was there any part of you that  
11 was thinking that this might be some type of  
12 sexual assault?

13 A. At the time, no.

14 Q. I'm not asking for what your  
15 impression is now.

16 But in the months following the incident,  
17 did you think at all that what you had seen,  
18 thinking back on it, was sexual assault?

19 MS. JORDAN: In what timeframe?

20 MS. LAUGHLIN: In that school year.  
21 I'm not asking for right now looking back.

22 MS. JORDAN: Prior to learning of  
23 the April incident?

24 MS. LAUGHLIN: We can do prior to  
25 the April incident.

1 THE WITNESS: Then no.

2 BY MS. LAUGHLIN:

3 Q. What about following the April  
4 incident?

5 By "April incident," I mean when [REDACTED] had  
6 touched another girl inappropriately.

7 A. That's when I brought the  
8 information to my building principal and guidance  
9 counselor.

10 Q. At some point during that, when you  
11 had meetings and stuff, did you come to any  
12 realization that what had happened in November  
13 was sexual assault?

14 MS. JORDAN: What timeframe?

15 MS. LAUGHLIN: The April timeframe.

16 MS. JORDAN: So after learning of  
17 the other incident?

18 MS. LAUGHLIN: Correct. Yes.

19 THE WITNESS: What was the question  
20 again?

21 BY MS. LAUGHLIN:

22 Q. The school year from 2014 to 2015,  
23 by the end of that school year had you looked  
24 back on the incident and realized it was sexual  
25 assault?

1 MS. JORDAN: Note my objection to  
2 the form of the question.

3 You can answer.

4 THE WITNESS: No.

5 BY MS. LAUGHLIN:

6 Q. Did you think at all by the end of  
7 the school year that what was happening in  
8 November was sexual assault?

9 MS. JORDAN: Note my objection to  
10 the form of the question.

11 You can answer.

12 THE WITNESS: No.

13 BY MS. LAUGHLIN:

14 Q. By the end of the school year, did  
15 you view the incident in November as something  
16 other than "kids being silly"?

17 A. I don't know.

18 Q. You're not sure if you still  
19 believed that it was them "being silly"?

20 A. I don't know.

21 Q. I'm using your words that you had  
22 used to describe the November incident.

23 By the end of that school year, would you  
24 still have used those same words to describe what  
25 had been happening in November?



1           A.           No. I don't think those words are  
2 appropriate to say.

3           Q.           By the end of the school year, what  
4 would you have called what was happening -- what  
5 had happened in November?

6           A.           I don't know.  
7                        I don't think it was sexual assault.  
8 Because I do feel that I caught it immediately,  
9 and it didn't happen again.

10          Q.           From your training and experience,  
11 do you know what sexual assault was back then?  
12 Could you define it?

13                       MS. JORDAN: Note my objection to  
14 the form of the question.

15                       You can answer it, if able.

16                       THE WITNESS: I don't think I know a  
17 specific definition.

18 BY MS. LAUGHLIN:

19          Q.           Do you know back then what  
20 constituted sexual harassment?

21          A.           I don't know.

22          Q.           You said when you brought the kids,  
23 [REDACTED] and [REDACTED] back into the classroom -- or  
24 possibly before -- but at some point you had a  
25 conversation with Mrs. Divver. Can you describe

1 for me, from your memory, what that conversation  
2 was; what it entailed?

3 A. I don't remember the conversation.

4 I probably stated to her what was on  
5 the office referral slip.

6 Q. Did you fill out the office referral  
7 slip before you had any verbal conversation with  
8 Mrs. Divver?

9 A. I don't remember.

10 It may have been at the same time.

11 Q. Why did you have a conversation with  
12 Mrs. Divver about it?

13 A. She was technically considered the  
14 "homeroom teacher." Because, like I said, I  
15 would leave and go to multiple grade levels and  
16 multiple classrooms. So I worked with a lot of  
17 regular education teachers that year.

18 Q. At this time, in November, were you  
19 aware that [REDACTED] had a pre-history of being  
20 sexually abused when she was younger?

21 A. I did not know that.

22 MS. LAUGHLIN: I'm going to show you  
23 a document quickly by sharing my screen.

24 BY MS. LAUGHLIN:

25 Q. Can you see the document in front of

1     you?

2                     MS. JORDAN:   We can.

3                     THE WITNESS:   Yes.

4                     MS. LAUGHLIN:   This is Bates number  
5     1019 of North Penn's production, for the record.  
6     It's notes from Dr. Betty Santoro.

7     BY MS. LAUGHLIN:

8             Q.             And at the bottom of page number 2,  
9     it says, "Both parents were gravely concerned  
10    that Ms. Andrew and Ms. Divver were both aware of  
11    the November" -- I'm sorry, I didn't mean to read  
12    that part.

13            Number 1, it says, "[REDACTED] is a victim of  
14    child abuse that occurred when she was  
15    five-years-old. This occurred in the  
16    neighborhood. The school counselor and Ms.  
17    Andrew were aware of the child abuse and had  
18    worked with the parents on supports throughout  
19    the years. The student currently has an IEP."

20            Do you disagree with Dr. Santoro that you  
21    were aware that [REDACTED] had been sexually abused?

22            A.            Yes, I disagree.

23                     I remember Mrs. Santoro asking me,  
24    in a meeting, if I was aware of previous child  
25    abuse. And I made it very clear to her that I

1 did not know that that had previously happened.

2 It was not a part of her IEP.

3 Q. So you didn't work on supports with  
4 her through the fifth and sixth grade year  
5 involving that?

6 A. I supported her through her IEP for  
7 academics, but not to support her through help  
8 with previous child abuse.

9 Q. What about in terms of anxiety? Do  
10 you remember her ever -- you assisting her with  
11 symptoms of anxiety?

12 A. From what I remember, there was not  
13 any behavioral or emotional aspects of her IEP.  
14 It was just academic support.

15 Q. Like the ADHD she had been diagnosed  
16 with?

17 A. Okay. Yeah, I guess.

18 Q. If you don't remember, that's okay.

19 A. I don't remember her specific  
20 diagnosis, but...

21 Q. Had you known at the time -- and if  
22 you can tell me -- had you known at the time that  
23 you saw the November incident that [REDACTED] had  
24 been a victim of sexual abuse when she was  
25 younger, would that have changed the way you



1 would have handled the situation at that time?

2 MS. JORDAN: Note my objection to  
3 the form of the question. Calls for speculation.

4 You can answer.

5 THE WITNESS: If I had to speculate,  
6 I think it would definitely change the way I  
7 dealt with the November situation.

8 BY MS. LAUGHLIN:

9 Q. In what way?

10 A. I would have informed my school  
11 administrator and the guidance counselor at the  
12 building level.

13 Q. How come?

14 A. Because it had happened to her  
15 before or she had been a victim of child abuse  
16 before, so just wanting to make sure that  
17 everyone was aware of this situation.

18 Q. I'm trying to understand what the  
19 difference was and would have been in your mind  
20 of knowing this information? Why did you feel  
21 that they needed to be aware of it, the guidance  
22 counselor and the administrator, if you had known  
23 that information?

24 MS. JORDAN: Note my objection to  
25 the form of the question.

1 You can answer.

2 THE WITNESS: I don't know.

3 It just seems like if a child has a  
4 history of a situation, then I would want to make  
5 sure that everyone is aware of what was  
6 happening.

7 BY MS. LAUGHLIN:

8 Q. Would you have viewed the situation  
9 between [REDACTED] and [REDACTED] differently if you had  
10 known she had a history of sexual abuse?

11 MS. JORDAN: Note my objection to  
12 the form of the question.

13 You can answer.

14 BY MS. LAUGHLIN:

15 Q. If you're able to say.

16 A. I don't know.

17 Q. Did you have any knowledge at the  
18 point in November -- or prior to that -- whether  
19 a victim of prior sexual abuse is more vulnerable  
20 to being sexually abused again?

21 A. I don't know.

22 Q. How would you have told the school  
23 administrator and the principal?

24 MS. JORDAN: Note my objection to  
25 the form of the question.

1 THE WITNESS: I probably would have  
2 shared the write-up, the behavioral slip.

3 BY MS. LAUGHLIN:

4 Q. Like given it to them?

5 A. Yes.

6 Q. In this instance you told me you  
7 wrote up both [REDACTED] and [REDACTED] on separate  
8 forms. Would you have done the same thing,  
9 written them both up?

10 A. I don't know.

11 Q. Why in the scenario if you had known  
12 about [REDACTED] prior history, you would have told  
13 the school administrator and the school guidance  
14 counselor, why is that?

15 MS. JORDAN: Note my objection.  
16 Asked and answered.

17 BY MS. LAUGHLIN:

18 Q. You can answer.

19 A. I just feel like that would have  
20 been the right thing to do.

21 Q. Why is it the right thing to do,  
22 though?

23 MS. JORDAN: Note my objection.

24 THE WITNESS: Because of a previous  
25 history.

1 BY MS. LAUGHLIN:

2 Q. What about the previous history  
3 would change your course of action?

4 MS. JORDAN: Note my objection.

5 THE WITNESS: I don't know.

6 BY MS. LAUGHLIN:

7 Q. Did you receive any training about  
8 that from the district, about children who have  
9 prior instances of sexual abuse?

10 A. Like I said earlier, I mean, I know  
11 that we do get continuous training. I can't  
12 remember specifically getting training offered  
13 after this situation; no.

14 MS. LAUGHLIN: Do you mind if we  
15 take a few minute break?

16 MS. JORDAN: That's fine.

17 (Short recess held at 11:13 a.m.)

18 (Back on the record at 11:19 a.m.)

19 BY MS. LAUGHLIN:

20 Q. Ms. Garrett, I know that you  
21 interviewed [REDACTED] and [REDACTED] together. Did the  
22 thought cross your mind about interviewing them  
23 separately at the time?

24 A. I realize I should have done it,  
25 interviewed them separately.

1 Q. When did you realize that?

2 A. I don't remember.

3 Q. Can you give me like an estimate in  
4 terms of how long after the incident that you  
5 realized that?

6 A. I don't remember.

7 Sorry.

8 Q. That's okay.

9 Was it before the second incident in April?

10 A. I'm not sure.

11 Q. What made you realize that you  
12 should have done it separately?

13 A. It's best practice dealing with any  
14 behavioral situation or any situation.

15 Q. How did you learn that? Where does  
16 that come from?

17 A. Just being a teacher.

18 Q. Is there a policy on it that North  
19 Penn had -- the district had about interviewing  
20 kids separately?

21 A. Not that I'm aware of.

22 Q. What would be the difference in your  
23 view -- in your understanding of interviewing  
24 kids separately or together?

25 A. If there's another student there,



1 the other student may not feel comfortable to  
2 speak or talk.

3 Q. Anything else?

4 A. Not that I can think of.

5 Q. When we had talked about when you  
6 said that had you known [REDACTED] prior abuse  
7 history, you would have gone to the school  
8 administrator or the guidance counselor, what do  
9 you think would have happened had you gone to  
10 them? Would something different have happened?

11 MS. JORDAN: Note my objection to  
12 the form of the question. Again, it calls for  
13 speculation.

14 THE WITNESS: I don't know. I'm not  
15 really sure.

16 BY MS. LAUGHLIN:

17 Q. Was there something more serious  
18 about what happened with knowing -- if you had  
19 known that there was a prior abuse history?

20 MS. JORDAN: Note my objection to  
21 the form of the question. Speculation.

22 THE WITNESS: What was the question  
23 again?

24 MS. LAUGHLIN: Can you read it back,  
25 Ms. Rosner.

1 (Whereupon the following portion of  
2 the record was read: "Was there something more  
3 serious about what happened with knowing -- if  
4 you had known that there was a prior abuse  
5 history?")

6 MS. JORDAN: Same objection.

7 THE WITNESS: I'm not really sure  
8 how to answer that.

9 Would I have felt that this  
10 situation I observed was more serious; is that  
11 the question?

12 Q. Yes.

13 MS. JORDAN: Same objection.

14 THE WITNESS: No.

15 BY MS. LAUGHLIN:

16 Q. What is it about an abuse history  
17 that would make you change what you did in this  
18 situation?

19 A. I guess, like I said before, just  
20 the fact that there was that history.

21 Q. I mean, what is it about the  
22 history? I'm not understanding. Is it that you  
23 know or have been trained that kids who have  
24 abuse histories are less likely to speak up or to  
25 say something is happening or something

1 different?

2 MS. JORDAN: Note my objection to  
3 the form of the question.

4 THE WITNESS: I'm not really sure.

5 BY MS. LAUGHLIN:

6 Q. You just don't know why you would  
7 have done it differently, but you would have?

8 MS. JORDAN: Note my objection.

9 THE WITNESS: Like I said before, it  
10 would have been the right thing to do because of  
11 the history.

12 BY MS. LAUGHLIN:

13 Q. What makes it because of the history  
14 different?

15 MS. JORDAN: Note my objection.

16 Asked and answered. Calls for speculation.

17 THE WITNESS: I'm not sure.

18 BY MS. LAUGHLIN:

19 Q. Did you ever get training from the  
20 district about kids who had been previously  
21 sexually abused?

22 MS. JORDAN: Note my objection.

23 Asked and answered.

24 THE WITNESS: Like I said, I know  
25 that we do have trainings. I don't specifically

1 remember if we were trained on children who were  
2 previously abused.

3 BY MS. LAUGHLIN:

4 Q. What about outside district  
5 training? Up to this point, up to the 2014-2015  
6 school year, did you have any understanding of  
7 the impacts that prior sexual abuse can have on a  
8 child?

9 A. I'm not really sure.

10 MS. LAUGHLIN: I'm going to share my  
11 screen and pull up page Bates number 1015 --  
12 1015.

13 MS. JORDAN: Is it 10015 or 1015?

14 MS. LAUGHLIN: 1015.

15 MS. JORDAN: Thank you.

16 MS. LAUGHLIN: You're welcome.  
17 Are you able to see the screen?

18 MS. JORDAN: We are.

19 THE WITNESS: Yes.

20 BY MS. LAUGHLIN:

21 Q. And is this your handwriting?

22 A. Yes.

23 Q. And is this the write-up that you  
24 were asked to do following the incident in April  
25 -- sorry.



1           Was this the report you had written up in  
2   April regarding the November incident?

3           A.       Yes.

4           Q.       Do you remember who asked you to  
5   write up this statement or why you wrote it up?

6           A.       I don't remember who.

7           Q.       When you had stood up from where you  
8   were at the front of the room and called [REDACTED]  
9   and [REDACTED] out of the room, do you remember what  
10   their reaction was with any of the other kids  
11   that were in the classroom?

12          A.       No.

13          Q.       What about when the kids came back  
14   in? When you brought [REDACTED] and [REDACTED] back in  
15   the room, were all three of you coming in the  
16   room together?

17          A.       I mean, I don't remember exactly  
18   that whole situation. But I'm assuming that when  
19   [REDACTED] and [REDACTED] went back into the room, I  
20   walked in with them.

21          Q.       Were all of the students still all  
22   in the classroom at that point?

23          A.       Yes, they were.

24          Q.       Do you recall whether any of the  
25   students in the sixth grade throughout the day or



1 throughout the coming weeks whether anybody was  
2 saying anything about the two kids getting pulled  
3 out of the class?

4 A. Not that I know of.

5 Q. I'm going to direct your attention  
6 to the second paragraph of your statement. And  
7 it says, "[REDACTED] did not say a word and just  
8 stood there." And then you wrote, "I could tell  
9 he was upset."

10 Do you remember what you were referring to  
11 when you said "I could tell he was upset"?

12 A. I don't remember.

13 Q. Do you remember if he was crying or  
14 anything about him that made you write that he  
15 was upset?

16 A. I don't think he was crying.

17 I don't really remember.

18 Q. You wrote, "[REDACTED] denied anything  
19 had happened." And I know we already talked  
20 about that. You don't remember specifically the  
21 questions that you asked them other than what you  
22 already told us.

23 Then it says, "Even when I questioned her  
24 about having her hands under the table, she said  
25 she didn't."

1 Is that accurate, per your recollection,  
2 what you wrote?

3 A. Yes.

4 Q. When she told you she didn't and you  
5 knew that both her hands had been under the  
6 table, what did you think at that point?

7 A. I don't know.

8 Q. The conversation that you had with  
9 Mrs. Divver, did you ever discuss interviewing  
10 the kids separately or at a different time?

11 A. I don't remember.

12 Q. Is there anything you remember about  
13 the conversation with Mrs. Divver that you  
14 haven't already told me?

15 A. No.

16 Q. At the end of this statement  
17 initially it wasn't signed. And then there was  
18 documentation I saw in the records that later on  
19 you had to sign a statement.

20 Did you not want to sign this statement at  
21 some point?

22 A. I don't remember that.

23 Q. Do you remember why you didn't sign  
24 this statement when you first wrote it up?

25 A. I don't remember.

1 Q. I'm going to pull up another page.

2 I'm showing you what's labeled at page 997.

3 This is a June 10th letter addressed to you --

4 sorry about that.

5 This is a June 10th letter that's addressed

6 to you on North Penn School District letterhead

7 from Dr. Curt Dietrich, the superintendent.

8 Prior to the April timeframe of 2015, had

9 you ever had interactions with Dr. Dietrich?

10 A. No, I did not.

11 Q. Did you ever meet him before?

12 A. Maybe in passing, if he would come

13 to visit the school, but not specifically in a

14 one-on-one meet; no.

15 Q. I'm going to go over some of the

16 things he writes in this letter and see if you

17 recall any of the conversations that were

18 surrounding what he's saying.

19 Here where my marker is it says, "The

20 behavior of a male student reaching his hand

21 underneath a female student's shirt in the area

22 of her chest during the course of a sixth grade

23 class lesson should be a very significant cause

24 for concern by the teacher, and should have been

25 handled in a much different manner than the

1 manner in which Ms. Andrew handled it."

2 Do you recall discussions that this  
3 situation should have been a very significant  
4 cause for concern by you?

5 A. I remember Curt Dietrich saying that  
6 to me.

7 Q. Did he give you any further  
8 explanation as to why it should have been a cause  
9 of concern?

10 A. Not that I remember.

11 Q. And then it says, "And it should  
12 have been handled in a much different manner than  
13 the manner Ms. Andrew handled it."

14 Did he explain to you what should have  
15 happened?

16 A. I don't specifically remember words  
17 that he said to me.

18 I know that it was said that I  
19 should have interviewed the students separately.

20 Q. Did they explain to you why?

21 A. I don't remember.

22 Q. Do you know whether there was any  
23 kind of policy at North Penn School District or  
24 at Gwynedd that required the students -- that  
25 said the students should be interviewed



1 separately?

2 A. I'm not sure.

3 Q. I want to start at this sentence  
4 here that says "Furthermore." It says,  
5 "Furthermore, I am very concerned about Ms.  
6 Andrew's explanation of how and why she arrived  
7 at her conclusion that the behavior was  
8 consensual."

9 Do you remember the explanation that you  
10 gave to them as to why you concluded that it was  
11 consensual behavior between [REDACTED] and [REDACTED]

12 A. I don't remember.

13 Q. The first meeting, I believe, that  
14 was had was on May 27, 2015.

15 Before I get to this, do you recall a second  
16 incident happening in April with [REDACTED]

17 A. It was not in a classroom that I was  
18 in, but I do remember -- yes, I remember it being  
19 mentioned.

20 Q. Who was it mentioned by or in what  
21 context did you find out about it?

22 A. I don't remember.

23 Q. Do you remember what happened?

24 A. I don't.

25 Q. Is there anything that you remember



1 about the April incident?

2 A. I think the class was watching a  
3 movie when it happened. I think it was in Ms.  
4 D'Elia's classroom. The students were sitting on  
5 the rug. That's pretty much all I remember.

6 Q. When you say "when it happened,"  
7 when you say "it," what are you referring to?

8 A. [REDACTED] touching another female  
9 student.

10 Q. Do you remember how he touched her  
11 or where?

12 A. I don't.

13 Q. When you found out that information,  
14 what did you do?

15 A. I don't remember specifically.

16 I think Mrs. Divver brought out the  
17 behavior slips from November. And then,  
18 obviously, that information was shared with our  
19 building principal and guidance counselor.

20 Q. The slips that you were talking  
21 about, the office referral form or the behavioral  
22 slips, what was the policy for those, if you can  
23 remember?

24 A. Three minors go to the office or one  
25 major, I think it is, goes to the office.

1 Q. And otherwise it would just be kept  
2 in a folder in the teacher's room?

3 A. With the homeroom teacher, yes.

4 Q. Was there any written policy of  
5 that, that the three minors then go to a major or  
6 the major just goes to the principal?

7 A. I don't know if it was written. It  
8 might even be on the behavioral slip. I'm not  
9 sure.

10 Q. Do you recall ever receiving  
11 training on that?

12 A. No.

13 Q. Let me go through some of these  
14 notes with you, to see if it helps refresh your  
15 recollection at all. These are notes from, as I  
16 understand it, Ms. Cheryl McHugh on May 27, 2015.

17 And do you know who Cheryl --

18 MS. JORDAN: What's the Bates-stamp  
19 number for the record, please?

20 MS. LAUGHLIN: Oh, sure. 1008,  
21 1-0-0-8.

22 MS. JORDAN: Thank you.

23 BY MS. LAUGHLIN:

24 Q. Do you know who Ms. McAndrew {sic}  
25 is -- sorry -- Ms. Cheryl McHugh?

1           A.       She was our director of human  
2 resources at the time.

3           Q.       Is she something different now?

4           A.       She doesn't work in North Penn.

5           Q.       Do you know where she works?

6           A.       I'm not sure.

7           Q.       Do you know about when she left  
8 North Penn?

9           A.       I don't remember.

10          Q.       Now, up at the top right-hand corner  
11 where my marker is under the date, it lists the  
12 attendees. And you're one of the people that is  
13 listed as attending. It's you and then, I  
14 believe, Alan, who was the union rep.

15          A.       He was our union president at the  
16 time.

17          Q.       And then Mr. Bowen, the principal,  
18 Betty Santoro, Ms. McHugh, and then Frances.

19               Do you remember Frances?

20          A.       Frances Garner, she was, I want to  
21 say, a supervisor of special education.

22          Q.       Okay. At the time?

23          A.       I'm not sure what her title was at  
24 the time.

25          Q.       Do you remember this meeting, the

1 first meeting you would have had at the end of  
2 May about this incident?

3 A. I remember being, like, nervous  
4 about it. I don't remember specific  
5 conversations.

6 I've never seen this document.

7 Q. Why were you nervous about it?

8 A. Because it's just a nerve-racking  
9 situation. You're getting called in with your  
10 principal and administrators.

11 Q. Did you know going into it what the  
12 meeting was about?

13 A. Yes.

14 Q. What had they told you about this  
15 meeting or why you were having a meeting?

16 A. Just that it was about the situation  
17 that had happened in November.

18 Q. And did they explain to you why you  
19 were being called in to this meeting?

20 A. I don't know -- I don't remember  
21 that happening before the meeting.

22 Q. Okay.

23 A. I'm not sure.

24 Q. So I'm going to go through this a  
25 little bit to see if it helps, like I said,



1 refresh your recollection at all. And first it's  
2 saying that there was a review of the situation,  
3 and then additional info from Mission Kids.

4 Do you remember anything about Mission Kids  
5 being discussed?

6 A. I think I remember that [REDACTED] had  
7 gone there to do, like, an interview. That's  
8 all. I don't really remember information from  
9 Mission Kids.

10 Q. Okay. And then the next thing says,  
11 "Concerns for poor judgment and not reporting  
12 sexual in nature to authority."

13 Do you recall what they were discussing at  
14 the meeting about this?

15 A. I don't remember.

16 Q. Do you know whether "not reporting  
17 sexual in nature to authority," whether that was  
18 the authorities like the police, or like a  
19 hotline, or whether "authority" means the  
20 building principal or somebody higher up?

21 A. I'm not sure.

22 Q. I'm going to jump two bullet points  
23 down. It says, "Not mutual or consensual because  
24 not of age and not appropriate behavior for  
25 school."



1           Do you remember a discussion about it not  
2 being consensual because of their age?

3           A.       I mean, it was a long time ago. I  
4 don't really remember specific conversations.  
5 I'm sure that that was brought up.

6           Q.       Do you remember anything generally  
7 about that part of the conversation?

8           A.       Not really.

9           Q.       Do you recall whether there was any  
10 discussion as to "Is there a particular age that  
11 kids can consent?" Do you remember anything like  
12 that?

13          A.       I don't remember them telling me a  
14 specific age; no.

15          Q.       This part where it says, "Supports  
16 for [REDACTED] boy in November," do you know what  
17 that was about?

18          A.       No.

19          Q.       Here it talks about, "Telling  
20 students that it will go no further if they  
21 stop/won't tell parents." That was the  
22 conversation we talked about earlier where I had  
23 asked you if you told the kids that you wouldn't  
24 tell their parents if it didn't happen again. I  
25 remember you said you couldn't recall telling

1     them that.

2             Does seeing this on paper help refresh you  
3     at all as to whether or not you told them that?

4             A.           No.

5             Q.           What did you think at the time when  
6     telling them that if it didn't happen again,  
7     whether it was you wouldn't go to the parents or  
8     you wouldn't tell the principal, what did you  
9     think was going to happen?

10            MS. JORDAN: Note my objection to  
11     the form of the question.

12            You can answer.

13     BY MS. LAUGHLIN:

14            Q.           I'm just asking what your mind was  
15     at that time.

16            MS. JORDAN: Note my objection.

17            THE WITNESS: That it just wouldn't  
18     happen again.

19     BY MS. LAUGHLIN:

20            Q.           Why did you think it wouldn't happen  
21     again?

22            A.           I don't know.

23            Q.           What did you think would stop?

24            MS. JORDAN: Note my objection to  
25     the form of the question.

1                   You can answer.

2                   THE WITNESS:   [REDACTED] and [REDACTED] were  
3 friends before the incident. They remained  
4 friends after the incident. So I guess just the  
5 situation that I observed would stop, that  
6 something like that wouldn't happen again.

7 BY MS. LAUGHLIN:

8           Q.       Like him putting his hand up her  
9 shirt, do you mean?

10          A.       Right. Correct.

11          Q.       Why didn't you tell the parents back  
12 then?

13                   MS. JORDAN: Note my objection to  
14 the form of the question.

15                   You can answer.

16                   THE WITNESS: I don't know.

17 BY MS. LAUGHLIN:

18          Q.       Did you think at the time that  
19 parents -- if a sixth grader is putting their  
20 hands up another sixth grader's shirt that  
21 parents should know about that?

22          A.       I don't know.

23          Q.       Had you received any training about  
24 when to notify parents of certain conducts of  
25 kids?

1           A.           I can't remember specific training.  
2   But, like I said earlier, I know that we do get  
3   trainings.

4           Q.           I know we talked about child abuse  
5   generally being trained on watching videos and  
6   answering some questions. But what about  
7   specific to informing parents about student  
8   conduct? Did you ever receive training on that,  
9   that you can remember?

10          A.           I'm not sure.  
11                       Not that I remember.

12          Q.           Here it says, "Two day suspension  
13   without pay, letter in file."

14               Do you recall at this meeting whether they  
15   told you you were getting a two day suspension  
16   without pay?

17          A.           I know I was told about the two day  
18   suspension without pay. I just don't exactly  
19   remember when that was told to me. I don't  
20   recall if it was at this meeting.

21          Q.           Do you remember who told you that?

22          A.           I don't remember.

23          Q.           What was your reaction when they  
24   told you you would be suspended for two days  
25   without pay?

1 A. I guess I was upset.

2 Q. What about it upset you?

3 A. Just the whole situation was  
4 upsetting.

5 Q. What do you mean?

6 A. The meetings at the ESE with  
7 administrators, just having these records in my  
8 file, and getting suspended. It's not anything  
9 that a teacher would ever want to go through.

10 Q. Right below that it mentions an  
11 issue regarding the shredding of an IEP document.  
12 Do you see that?

13 A. Yes.

14 Q. Can you tell me more about that?  
15 What was that issue?

16 THE WITNESS: I don't know if I'm  
17 allowed -- am I allowed to speak to her about  
18 that?

19 BY MS. LAUGHLIN:

20 Q. Sorry. I can add the clarification  
21 that I'm not asking -- if you had a different  
22 lawyer in that particular situation, I'm not  
23 asking about conversations you may have had with  
24 them. But generally what did it involve?

25 MS. JORDAN: I think she had concern



1 about the confidentiality of the other student's  
2 IEP. I think that's what she means.

3 THE WITNESS: Correct.

4 MS. LAUGHLIN: Thank you for  
5 clarifying that, Ms. Jordan.

6 BY MS. LAUGHLIN:

7 Q. You don't have to identify who the  
8 student was. I don't want to violate anybody's  
9 FERPA rights or education rights to privacy.  
10 So without telling me who the student was or  
11 anything like that, can you tell me generally  
12 what it was about? I think you can talk about  
13 that, as far as I'm understanding.

14 A. At the end of the previous year, so  
15 2013-2014 school year, we were moving to full  
16 inclusion in the following year, which would have  
17 been the 2014-2015 school year. The parent did  
18 not want full inclusion for her child. And that  
19 was the whole issue around her not wanting her  
20 son in the regular education classroom. And then  
21 I guess it moved to settlement stages.

22 Q. This references an IEP getting  
23 shredded. I understand what you just described  
24 to me. But is this the same incident?

25 A. Yes.

1 (Multiple speakers.)

2 Q. Go ahead. I'm sorry.

3 A. That's okay.

4 There was a NOREP that was issued, a  
5 Notice Of Recommended Educational Placement. And  
6 the parent did not want to accept it or approve  
7 it.

8 And then from there, I'm not really  
9 sure what had happened. I don't know if I issued  
10 a new NOREP. I don't really remember.

11 I just remember that it was about  
12 the parent not wanting her child in full  
13 inclusion for the following year.

14 Q. Do you recall an IEP document being  
15 shredded?

16 A. No.

17 Q. If the parent didn't want the child  
18 to be included in the full inclusion, and you're  
19 recommending that the student should be included  
20 in the full inclusion -- is that what you were  
21 doing?

22 A. Yes.

23 Q. So then what was the issue that then  
24 was brought into the administration or talking  
25 about settlement stages? What's the issue?

1           A.           I guess because what North Penn  
2   School District was proposing, the parents did  
3   not want. So they were -- they were, I guess,  
4   seeking legal advice for it.

5                    You can't really shred an IEP,  
6   because it's all electronic. So I don't know  
7   what the shredding -- I don't know.

8                    Like I said, it was just the parents  
9   did not want full inclusion, we were proposing  
10   full inclusion, and that's, I guess, why it went  
11   to settlement stages.

12           Q.           Was there something about your  
13   conduct that was being questioned, whether it was  
14   by the principal, administration, involving that  
15   situation with the other parent and student?

16           A.           Maybe some email communications that  
17   I had with the mom about scheduling a meeting or  
18   discussing different options or placements.

19           Q.           Like you were brought in as a fact  
20   witness because you knew about it?

21           A.           No. I wasn't brought in at all for  
22   it.

23                    I'm not really sure.

24           Q.           Were your actions or conduct at all  
25   being questioned or criticized in some way

1 involving a prior incident?

2 A. This is the first I'm seeing this  
3 statement. So I don't know.

4 I mean, I haven't seen my employee  
5 file, so I don't know what's in there.

6 It never went --

7 (Multiple speakers.)

8 Sorry.

9 Q. Go ahead.

10 A. It never went to any process. I  
11 didn't have to go to court. That's pretty much  
12 all I know.

13 Q. As you sit here today, you don't  
14 have any memory of what the prior incident may  
15 have been that you would have been questioned  
16 about or potentially criticized about; is that  
17 correct?

18 A. Like I said, we had issued the NOREP  
19 from the North Penn School District, and the  
20 parents disagreed with that, with the NOREP.

21 Q. That was as far as the extent that  
22 you understood you were involved in that?

23 A. Correct.

24 Q. Did that also involve Frances  
25 Garner, that incident?



1 A. I don't remember.

2 Q. Was there a separate incident  
3 involving Ms. Garner that you had been questioned  
4 about as far as your conduct went prior to May of  
5 2015?

6 A. Not that I can remember.

7 Q. Right below that it says, "Both  
8 issues and lapse of judgment could result in" --  
9 it looks like it says -- "unsats" --  
10 unsatisfactory -- "in professionalism domain."  
11 Do you see that?

12 A. Yes.

13 Q. Do you remember that being part of  
14 the conversation at all in this meeting?

15 A. I remember them telling me about  
16 that for my eval, for my final eval; yes.

17 Q. When they say "both issues and lapse  
18 of judgment," when they talk about the November  
19 2014 incident, do you recall any other incident  
20 or issue that they were discussing with you  
21 involving an issue in lapse of judgment?

22 A. No.

23 Q. Here it has your initials at the  
24 very bottom of page 1008. And it says, "Not  
25 necessary to review entire situation."



1 Do you see that?

2 A. Yes.

3 Q. Do you recall telling the meeting  
4 that it wasn't necessary to review the entire  
5 situation?

6 A. No.

7 MS. JORDAN: Note my objection to  
8 the form of the question.

9 THE WITNESS: No. I don't remember  
10 that.

11 BY MS. LAUGHLIN:

12 Q. Do you know what that could be  
13 referring to or what the context of the  
14 conversation may have been at the time?

15 A. I can't remember.

16 Q. I'm going to show you page 1011 of  
17 the record. And I'll scroll up to 1010, which is  
18 the top of the document, just to put it into  
19 context. This is the April 16th meeting that you  
20 were present for.

21 Do you remember having a separate meeting  
22 where Ruth Divver was brought in, and then you  
23 were brought in afterwards to the meeting?

24 A. I remember her coming in. Yes. Her  
25 meeting was first. And then she was leaving, and

1 then I went in. Yes.

2 Q. Did you have any conversations with  
3 Ruth prior to this meeting since you're both  
4 coming to the meeting at separate times?

5 A. Not that I remember.

6 Q. I'm scrolling back down to page 1011  
7 again. And I want to direct your attention to  
8 this section where my cursor is. It says,  
9 "Holly/April comments." And it says, "Ruth and  
10 Kristin in hallway when she found out about the  
11 incident with Paige."

12 "Ruth," would that be Ruth Divver?

13 A. Correct.

14 Q. "Kristin," is that Vaszily, the  
15 guidance counselor?

16 A. Yes, Kristin Vaszily is our guidance  
17 counselor.

18 Q. And then it says, "Ruth said [REDACTED]  
19 did something similar in November. Later that  
20 day, she was asked to write it up."

21 Are these your comments that you were making  
22 to the people in the meeting, if you can  
23 remember?

24 A. I don't remember.

25 Q. Reading this little summary about

1 Ms. Divver and Ms. Vaszily being in the hallway  
2 and finding out about a second incident, and who  
3 the student was that [REDACTED] had done something  
4 to, does that refresh your memory at all into any  
5 conversations you've had or how you found out  
6 about the second incident?

7 A. I don't remember the exact moment  
8 that I found out about the second incident.

9 Q. When you found out, what was your  
10 reaction or what did you think?

11 A. I don't remember.

12 Q. Do you know whether hearing about  
13 the second incident caused you to reflect back on  
14 the initial incident in November?

15 A. Well, yeah. I mean, I guess it --  
16 especially it says, "Ruth said [REDACTED] did  
17 something similar in November, so later that day  
18 I was asked to write it up." I remember getting  
19 the behavior slips from Ruth Divver from the  
20 November incident.

21 Q. Is there anything in April that you  
22 could recall like looking back and kind of  
23 reprocessing what had occurred in November and  
24 thinking anything differently about it now that  
25 you know that there is a second incident that

1 happened in April?

2 A. I guess just what I had put in my  
3 statement that you shared on the screen earlier  
4 was what I remembered from the situation.

5 Q. But I mean did you look at the  
6 situation in November any differently than you  
7 had now that you have this additional  
8 information?

9 MS. JORDAN: Note my objection to  
10 the form of the question. Asked and answered.  
11 It's speculative.

12 THE WITNESS: I don't know.

13 BY MS. LAUGHLIN:

14 Q. Okay. At any time during this  
15 period of time, whether it was in the fourth  
16 grade year for [REDACTED] or the -- at any time in  
17 the '14 to '15 school year or the year prior that  
18 you had known [REDACTED] were you aware of any  
19 claims that [REDACTED] had touched other girls in  
20 fourth grade and fifth grade?

21 A. No, I was not.

22 Q. At any time even following the  
23 investigation or in the next several years, had  
24 you learned that [REDACTED] -- there had been claims  
25 that [REDACTED] had touched girls in the fourth grade



1 and the fifth grade?

2 A. No. I was only aware of the  
3 situation that had happened in April. That was  
4 the only one. I didn't know of any others.

5 Q. Let me just clarify then, because  
6 that was going to be my next question. There  
7 were some documents showing that there were  
8 claims in addition to the April incident from  
9 several other girls in the sixth grade that  
10 [REDACTED] had touched them inappropriately.

11 Were you aware of any of those additional  
12 claims?

13 A. No, I was not.

14 Q. Me telling you this, is that the  
15 first time you're hearing about other sixth grade  
16 incidents?

17 A. Yeah. Yes.

18 Q. And the same question for the fourth  
19 and fifth grade, is me telling you the first time  
20 you're hearing about claims he had touched girls  
21 in fourth grade and fifth grade, as well?

22 A. Yes.

23 Q. Was there any mechanism or procedure  
24 in place at the school for the teachers or staff  
25 at the school to come together and talk about



1 issues that were happening in their classrooms  
2 with students?

3 A. We have our Child Study days, MTSS  
4 days, where we can bring students up to our team.  
5 The team includes the building principal, the  
6 guidance counselor, the reading specialist, the  
7 classroom teacher would be there, and it's  
8 usually our school psychologist.

9 Q. You said "MTSS." What does that  
10 stand for?

11 A. I knew you were going to ask me  
12 that.

13 I'm not sure.

14 Q. But you're saying those are times  
15 where staff would bring a particular student up  
16 to meet with the series of people that you just  
17 mentioned?

18 A. Yes.

19 Q. What about in terms of just the  
20 staff or teachers meeting together about  
21 particular students? Did that happen?

22 A. I mean, the teachers have multiple  
23 opportunities to plan together. So I mean it  
24 happens that, you know, students are discussed  
25 during teacher prep times or the morning time

1 when we do planning.

2 Q. If certain students are discussed,  
3 is that anything that would be documented in any  
4 way?

5 A. No, not necessarily.

6 Q. Is there any type of mechanism or  
7 procedure in place to document? Like if somebody  
8 said something about a student, that they're  
9 informing another teacher that the student may  
10 have about something, is there even a way to  
11 document that somewhere?

12 A. There is a Google form that can be  
13 filled out that would then go to Child Study.

14 Q. Was the Google form in existence in  
15 2014-2015?

16 A. Yes. I'm almost positive that it  
17 would have been.

18 Because that's how we get to that  
19 next step. To have a Child Study meeting,  
20 initially a teacher would fill out a form.

21 Q. So there is a way for teachers to  
22 put on a Google form that a student -- is it like  
23 recommended for one of these meetings?

24 A. Recommended for what?

25 Q. For the meetings that you're talking

1 about, that they get evaluated or have the  
2 meeting you were just describing.

3 A. The Google form would kind of  
4 initiate then the meeting -- (multiple speakers)  
5 -- and we would bring the teacher down.

6 Q. What did you call the meeting again?

7 A. MTSS.

8 Q. I think you called it something  
9 else, too. Is there another word?

10 A. Child Study.

11 Q. Child Study.

12 Is the Child Study just for kids who are in  
13 the special education program?

14 A. No. It's for any student in the  
15 building.

16 Q. So what's the purpose of a Child  
17 Study, if you know?

18 A. It can really be for any concerns  
19 that a staff member would have for a student:  
20 Academic, if they think they may need a speech  
21 therapist to evaluate them or an occupational  
22 therapist or a physical therapist, if there's  
23 behavioral concerns. It's pretty much anything  
24 for the child.

25 Q. The Google document, is it like a

1 form where it has certain questions or certain  
2 line items that you're completing?

3 A. Yes.

4 Q. Do you know where that's held?  
5 Where is the form kept?

6 A. It's shared with us, with staff  
7 members at the beginning of the year, so it's in  
8 our Google drive.

9 Q. You, for example, as the special  
10 education teacher, could you fill out the Google  
11 drive form?

12 A. Yes.

13 Q. And could a teacher like Mrs.  
14 Divver, is she able to fill out the form, too?

15 A. Yes.

16 Q. What happens once you fill out this  
17 form on a student? Where does it go? What  
18 happens next?

19 A. The guidance counselor and building  
20 principal get a notification that a form has been  
21 filled out, and then they schedule the child --  
22 the MTSS meetings.

23 Q. Is that something that a parent -- a  
24 student's parent would be involved in too if  
25 there was an MTSS meeting?



1           A.           Once it gets to that point where the  
2   team is coming together to discuss the child, the  
3   parents are notified.

4           Q.           Okay. Do the parents typically  
5   attend that meeting?

6           A.           No.

7           Q.           But is the child in the team meeting  
8   with the psychologist and teacher and all the  
9   people you mentioned?

10          A.           The child is not there; no.

11          Q.           Does anything happen before the team  
12   that you mention meets about a particular  
13   student? Is the student being interviewed or  
14   anything?

15          A.           No. I mean, I guess depending on  
16   what the situation is, sometimes students are  
17   observed in the classroom.

18          Q.           If there is a Child Study or an MTSS  
19   meeting, do you know whether that's documented  
20   anywhere that an MTSS meeting occurred on a  
21   particular child?

22          A.           There's a form that we fill out once  
23   it gets to that point where we're in MTSS. And  
24   it just documents participants, what was  
25   discussed, what are our next steps, when is our



1 next time that we're going to plan to meet.

2 Q. What is that form called, if you  
3 know?

4 A. I don't know.

5 Again, only the team has access to  
6 that, like the guidance counselor, the school  
7 psychologist. So it's not something that the  
8 teacher fills out. It's something that is filled  
9 out at the meeting.

10 Q. Okay. Do you know if there is a  
11 behavioral -- I'm sorry -- a Child Study meeting  
12 on a student whether that gets put in the  
13 student's educational file?

14 A. I'm not sure.

15 Q. Do you know whether it's documented  
16 anywhere, like if a student has multiple meetings  
17 or something like that, if there's any way in the  
18 system to track or keep track of that?

19 A. The form that we use documents the  
20 dates of the meetings. So if there's multiple  
21 meetings, yes, they're documented.

22 Q. So it's kind of updating the form?

23 A. Yes. Yes.

24 Q. You said it's on a Google drive.  
25 Who has access to the forms on a particular

1 student, if you know?

2 A. The MTSS team in a building. So,  
3 like I said, it would be the building principal,  
4 the guidance counselor, the school psychologist,  
5 reading specialist. And now that I'm an  
6 inclusion facilitator, I'm also a part of that  
7 team. So for the last three years, I've been  
8 working with that group to do MTSS meetings.

9 Q. Do you know whether there's ever  
10 been an MTSS meeting involving [REDACTED]

11 [REDACTED]

12 A. I don't know.

13 Q. Since you were her special education  
14 teacher in fifth grade and sixth grade, if there  
15 was a meeting would you have been brought into  
16 that meeting for her?

17 A. Definitely.

18 Q. Do you know whether there was any  
19 MTSS meetings for [REDACTED]

20 A. I don't know.

21 Q. The MTSS meeting, do you know  
22 whether that's something that's just done at the  
23 elementary school level or if that's something  
24 that is part of the district or whether it's  
25 middle school or high school, they still

1     implement the same plan?

2             A.           I'm not sure.

3             Q.           Have you received training on the  
4     MTSS meetings?

5             A.           We did several years ago, I think.

6             Q.           Do you remember who did that  
7     training?

8             A.           No, I don't.

9             Q.           For example, do you know whether it  
10    was just at Gwynedd Square or whether it was a  
11    bigger district-wide training?

12            A.           I don't remember.

13            Q.           Where would those meetings be held?

14            A.           In our conference room.

15            Q.           At Gwynedd Square?

16            A.           The Gwynedd Square conference room,  
17    yes.

18            Q.           Are they typically during the school  
19    day or on a night or weekend?

20            A.           They're typically during the school  
21    day.

22            Q.           And how do you know to attend one?  
23    Do you get like a calendar invitation or how does  
24    that work?

25            A.           Yes. A teacher would get a calendar

1 invitation when the student was up for MTSS.

2 Q. Did you request at all that an MTSS  
3 meeting be held for [REDACTED] or [REDACTED] following  
4 the November incident?

5 A. No, I did not.

6 Q. That's something you could have  
7 done, though; right?

8 A. Correct.

9 Q. Why didn't you?

10 A. I don't remember.

11 Q. I'm going to show you page 1013.

12 And these are handwritten notes from the April  
13 16, 2015 meeting. And you're listed on the  
14 right-hand side as being one of the attendees at  
15 this meeting, along with the principal, and Dr.  
16 Santoro, and Cheryl McHugh, as well as, I guess,  
17 the president of the union.

18 Do you recall this second meeting, the April  
19 16th meeting?

20 A. I know I went in for two meetings.

21 Q. On the left-hand side, there's  
22 initials of different people. And your initials  
23 are listed under the second paragraph on this  
24 form. So I want to go over this part and ask you  
25 some questions about it.



1           It says, "November summary with students at  
2 table. [REDACTED] with hands up [REDACTED] shirt.  
3 Took students into hallway and spoke to them  
4 together. [REDACTED] denied anything and [REDACTED] said  
5 nothing. Mutual wrote referral and filed in  
6 classroom."

7           Does that refresh anything that we haven't  
8 already talked about from what you already told  
9 us?

10          A.          No. That's what I said earlier.

11          Q.          The next sentence -- and it has  
12 quotation marks around it -- it says, "Now that I  
13 think of it, should have gone to Bill."

14          Do you see that?

15          A.          Yes.

16          Q.          Do you recall saying that at the  
17 meeting?

18          A.          I mean, I don't remember specific  
19 words that I said.

20          Q.          Do you recall generally saying  
21 something to that effect at the meeting?

22          A.          That I should have submitted the  
23 forms to Mr. Bowen, yes.

24          Q.          Why did you say that at that  
25 meeting?



1 A. I don't remember.

2 Q. Do you recall there ever being  
3 discussion or having a discussion about reporting  
4 what you saw at the Child Line?

5 A. No.

6 Q. At the time, in the 2014-2015 school  
7 year, had you ever received any training on when  
8 to make a report to Child Line?

9 A. I don't know.

10 Q. Do you recall having any knowledge  
11 back then as to what Child Line was?

12 A. I mean yes. I knew what the Child  
13 Line was. I don't remember if we were given  
14 specific training on calling the Child Line.

15 Q. To your understanding back then,  
16 what was Child Line?

17 A. To make a report with Children and  
18 Youth.

19 Q. Do you recall what types of things  
20 should be called in to Child Line, what your  
21 understanding was at the time?

22 A. I guess if we felt the child was in  
23 danger.

24 Q. "In danger," what do you mean?

25 A. If something was happening at home

1 or anywhere, anything putting the child in  
2 danger.

3 Q. Do you know whether, at the time, if  
4 you had an understanding about students touching  
5 other students, whether that was something that  
6 should be reported to Child Line?

7 A. I don't know.

8 Q. Did you know at the time whether it  
9 could, whether that was something you could  
10 report to Child Line, a student touching another  
11 student?

12 A. I don't know.

13 Q. At this part right here, the  
14 second-to-last paragraph on page 1013, it says  
15 your initials, and it says, "Not my place to  
16 notify parents."

17 Do you see that?

18 A. Yes.

19 Q. Do you recall that, discussing that  
20 it wasn't your place to notify the parents?

21 A. Not specifically saying that, no.

22 Q. What about generally? Do you  
23 remember the general discussions surrounding  
24 that?

25 A. Not really, no.

1 Q. At the time do you know whether you  
2 believed that it wasn't your place to notify the  
3 parents of an incident like the one in November?

4 A. I don't know.

5 Q. Had you ever received training up to  
6 that point, meaning up to the 2014-2015 school  
7 year, on notifying the parents and whether it was  
8 you or the homeroom teacher or the principal?  
9 How that would be done?

10 A. I don't remember.

11 Q. I'm going to show you page 994.  
12 This is dated June 9, 2015. And you're again  
13 listed as one of the attendees for this meeting.

14 It says that a grievance was filed. Do you  
15 recall filling a grievance in this situation?

16 A. Yes.

17 Q. Can you tell me what you remember  
18 about that?

19 A. I remember visiting the PSEA lawyer.  
20 And then he pretty much handled everything from  
21 there.

22 Q. I'm trying not to ask you about  
23 conversations you had with the PSEA lawyer.

24 I assume you're referring to somebody that's  
25 different than Alan Malachowski. Is that right?

1           A.       Correct.

2                   Alan was our union president at the  
3 time, and he referred me to the lawyer.

4           Q.       Did you file your grievance prior to  
5 meeting with the lawyer?

6           A.       No.

7                   I mean, I'm not a hundred percent  
8 sure of the timeline, but I know that the lawyer  
9 took care of all of the paperwork and everything  
10 for that.

11                   MS. JORDAN: Laura, do you mind if  
12 we take a five minute bathroom break?

13                   MS. LAUGHLIN: Sure. That's fine.

14                   (Short recess held at 12:18 p.m.)

15                   (Back on the record at 12:23 p.m.)

16 BY MS. LAUGHLIN:

17           Q.       So I'm going to go back to the  
18 document we just started to talk about or I just  
19 showed you. It's Bates 994 of the Bates-stamped  
20 records.

21                   And we were talking a little bit about the  
22 filing of a grievance. Now, like I said, I'm  
23 trying to be careful and purposefully not ask you  
24 about conversations that you had with any lawyer.  
25 So if I ask you a question, I'm not trying to get



1 you to tell me that. Don't answer in that way.

2 And if the only answer you can give is something  
3 that you and a lawyer discussed, then let me know  
4 that.

5 But you filing the grievance, was the  
6 grievance in response to you getting the two days  
7 of suspension without pay?

8 A. I don't remember exact wording, but  
9 I know that I got the unsatisfactory evaluation,  
10 and then I also had the two day suspension. And  
11 I remember them saying it was almost like you  
12 were punished twice. So that might have been why  
13 the grievance was filed.

14 I don't remember the exact wording,  
15 though.

16 Q. So was your grievance that you had  
17 both the two day suspension, and then the  
18 addition of the unsatisfactory performance  
19 review?

20 A. Yes. I'm pretty sure. Yes.

21 Q. What was it about those two things  
22 that you thought were unfair that you filed a  
23 grievance?

24 A. I mean, I had already done the two  
25 day suspension without pay. And then later on in



1 the school year, I was given the unsatisfactory  
2 evaluation.

3 Q. So after you got the unsatisfactory,  
4 that's when you decided to file the grievance?

5 A. I don't remember the exact timing,  
6 but I'm pretty sure that was when it was filed,  
7 yes.

8 Q. I'm asking at the time, your  
9 impressions at the time. Did you think that the  
10 unsatisfactory review was unwarranted?

11 A. I don't know.

12 Q. I guess I'm just trying to  
13 understand what about the situation caused you to  
14 file a grievance. What did you have the  
15 grievance about?

16 A. Again, like I said, it was  
17 recommended for me to do that.

18 Q. Again, if it's something a lawyer  
19 told you, that's not what I'm trying to ask. I'm  
20 asking for you.

21 Did you disagree with that? Did you have a  
22 grievance since you're the one that's filing it?

23 A. I don't know.

24 Q. You're not sure whether you had a  
25 grievance with the two day suspension and the

1     **unsatisfactory report?**

2           A.       With both of them, I guess I would  
3     say that, yes.

4           Q.       With both of them, you're unsure?

5           A.       No. I meant the reason for filing  
6     the grievance was because of the fact that I was  
7     already suspended without pay, and then I also  
8     received the unsatisfactory evaluation at the end  
9     of the year.

10          Q.       So what part of that was what you  
11     didn't agree with?

12          A.       Like I said before, I had already  
13     been -- it had already been dealt with, and I was  
14     punished with the two day suspension without pay.  
15     And then for it to be in my permanent evaluation  
16     for the entire year, I guess that's the reason  
17     why I filed the grievance.

18          Q.       Was it your understanding that the  
19     two day suspension was not something permanent  
20     that would go in your record?

21          A.       I don't know.

22          Q.       This is at the time, did you  
23     disagree that you should not have received the  
24     unsatisfactory evaluation?

25          A.       Yes.

1           Q.           What was the appropriate thing that  
2   should have been done at the time?

3           A.           I don't know. I can't really say  
4   what would have been appropriate.

5                       (Multiple speakers.)

6           Q.           Sorry. Go ahead.

7           A.           I just felt that I didn't need both,  
8   the suspension and a poor evaluation.

9           Q.           Was the evaluation done on a  
10   consistent basis, like the end of the year or  
11   something? Was this your end of the year  
12   evaluation?

13          A.           I get one every year at the end of  
14   the year, yes.

15          Q.           So this was your evaluation for the  
16   year following what had happened, the incident in  
17   November; is that right?

18          A.           Correct.

19          Q.           I understand it didn't come to light  
20   to the principal, for example, until April. So  
21   that would have been the end of that year. Is  
22   that correct?

23          A.           Yeah. The school year, 2014-2015,  
24   one school year, you get one evaluation for the  
25   end of the year.

1           Q.           So by the end of the year, this is  
2   taking into account then that earlier in the  
3   school year, the November incident?

4           A.           Correct.

5           Q.           I'm just asking for your thoughts at  
6   the time. Did you think that the evaluation  
7   should have been satisfactory for that year?

8           A.           I can't say what I thought, because  
9   it was like seven years ago. I just felt that it  
10   wasn't fair that I had a negative evaluation for  
11   the entire year.

12          Q.           What do you think it should have  
13   been?

14          A.           I don't know. I don't know.

15          Q.           I guess I'm just trying to  
16   understand what you're saying. Are you saying  
17   that it should have been based on "Look at my  
18   entire year of what I did and not just the  
19   incident in November"?

20                   MS. JORDAN: Note my objection to  
21   the form of the question.

22   BY MS. LAUGHLIN:

23          Q.           You can answer.

24          A.           I mean, our evaluations are supposed  
25   to be the entire year, so yes. I mean, looking



1 at the entire year, yes.

2 Q. Looking at the entire year, you  
3 didn't think that you deserved a poor evaluation?

4 A. Correct.

5 Q. And it should have been a  
6 satisfactory evaluation in your view?

7 A. A satisfactory or at least needs  
8 improvement, not a failing.

9 Q. Needs improvement, did that have any  
10 type of consequences to a teacher like you, if  
11 you got a "needs improvement"?

12 A. I think it's if you have two  
13 evaluations that are failing, you can be put on a  
14 professional improvement plan.

15 Q. How do you know that is the case,  
16 that it's two failings?

17 A. I think Mr. Bowen had shared that  
18 with me when I got the evaluation at the end, in  
19 June of 2015.

20 Q. Had you ever been on a professional  
21 improvement plan before?

22 A. No.

23 Q. Subsequent to this, not involving  
24 this incident, had you ever been on a  
25 professional improvement plan?



1 A. No.

2 Q. Prior to this evaluation, had you  
3 ever received a needs improvement evaluation?

4 A. No.

5 Q. Have you ever received a failing  
6 evaluation?

7 A. No.

8 Q. As a result of the grievance that  
9 was filed, I had seen in some of the records or  
10 documents that were provided to me from the  
11 district that your two day suspension was reduced  
12 to a one day suspension. Are you aware of that?

13 A. Yeah, I remember something -- I  
14 think I received the one day back with the pay.

15 Q. So you were paid for that one day --

16 A. Correct.

17 Q. You said you had already served the  
18 two day suspension?

19 A. Correct.

20 Q. Did you have to stay home on those  
21 two days?

22 A. Yes, I did.

23 Q. So you had to stay home and you  
24 didn't receive pay for those days?

25 A. Correct.

1 Q. You didn't have to work an extra  
2 day; it was just a matter of you got your pay,  
3 whatever it would have been for the one day?

4 A. Yes. Correct.

5 Q. At this top part of page 994, it  
6 says -- and this looks like it was a discussion  
7 by Alan, the president of the union -- it says,  
8 "Want to make sure punishment fit the crime,  
9 across state concerns."

10 Do you know what he was talking about or  
11 what the discussion was at that point in the  
12 meeting?

13 A. I'm not really sure.

14 Like I said, I remember the lawyer  
15 saying to me --

16 Q. I don't want to ask any questions  
17 about what a lawyer said to you.

18 A. No.

19 Q. I'm just asking in this meeting, do  
20 you recall what this was about, this note here?

21 A. No, I don't.

22 Q. Or making sure that the punishment  
23 fit the crime.

24 A. I'm not sure.

25 Q. I know that there's handwritten

1 notes here. Do you know whether these meetings  
2 are recorded in any other way, whether they're  
3 video or audio recorded?

4 A. I do not think they were audio  
5 recorded. I think it was just the handwritten  
6 notes.

7 Q. Did you after these meetings or  
8 during these meetings take any notes?

9 A. I know Alan did.

10 Q. Okay.

11 A. I do not recall taking my own  
12 specific notes, no.

13 Q. At the time of these meetings that  
14 were happening, do you recall having any  
15 conversations with anybody other than lawyers  
16 outside of these meetings?

17 A. No.

18 Q. For example, do you recall ever  
19 discussing the meetings with Ruth Divver?

20 A. I'm sure we did. But the day that  
21 -- I remember she had the meeting first, and then  
22 she came out and I went in. I don't remember our  
23 specific conversations. I'm sure we talked about  
24 it, because we taught together that year.

25 Q. But you don't recall what was said?

1 A. No, I don't.

2 Q. Later on, down on page 994, it has  
3 your initials again. It says, "REF" -- I guess  
4 it's referred -- "to other issue." And then it  
5 says "SE" in parenthesis. Do you know what "SE"  
6 is?

7 A. I would assume special education.

8 Q. It says, "Brought up by Frances  
9 Garner." It says, "Have emails, et cetera,  
10 everything with Bill Bowen, Principal."  
11 Do you recall what was being discussed here?

12 A. I'm assuming it was the issue we  
13 talked about earlier with the student from the  
14 previous year whose parent denied the NOREP.

15 Q. When you say "have emails," is that  
16 the emails you were talking about where you're  
17 recommending that whatever was in the NOREP and  
18 the parents were disagreeing?

19 A. Correct. The email communication  
20 between myself and the parent, yes.

21 Q. It says, "Lawyer letter," and then  
22 there's an arrow, "Previous evals by North Penn  
23 School District."

24 Do you recall what you were discussing at  
25 this point -- not with the lawyer, but the



1 previous evals by the North Penn School District?

2 A. I had really good evaluations  
3 previous to this school year.

4 Q. The next line says, "Building for a  
5 few years." Do you remember what that would have  
6 been discussed from?

7 A. Maybe -- I don't know. I can  
8 speculate. Because I had been there since 2008.

9 Q. I don't want you to guess. If you  
10 have an idea of what it might have been, even if  
11 you don't know the exact words that were said,  
12 you can talk about that.

13 A. I don't know.

14 Q. If you don't know, I don't want you  
15 to guess.

16 The next line says, "Didn't cause the  
17 issue."

18 Let me make it a little bigger. It says,  
19 "Concerns and parents' lawyer." Do you remember  
20 anything about that?

21 A. No, I really don't.

22 Q. At the end of the page, on 994, Curt  
23 Dietrich's initials are here. At the bottom two  
24 lines it says, "Promise I'll think about it, but  
25 I need (be remiss) to tell you really times

1 three" -- like really, really, really --  
2 "egregious act."

3 Do you remember Mr. Dietrich saying to you  
4 that it was a really, really, really egregious  
5 act?

6 MS. JORDAN: Note my objection to  
7 the form of the question.

8 You can answer.

9 THE WITNESS: I don't remember the  
10 specific words that he said to me.

11 BY MS. LAUGHLIN:

12 Q. Do you remember him like in that  
13 context generally saying about it being a really  
14 egregious act, what you did?

15 MS. JORDAN: Note my objection to  
16 the form of the question.

17 You can answer.

18 THE WITNESS: I remember him being  
19 upset at the end of the meeting and saying that  
20 it was a negative -- yes, it was an inappropriate  
21 act.

22 BY MS. LAUGHLIN:

23 Q. What gave you the impression that he  
24 was upset at the end of the meeting?

25 A. Just his demeanor, his words.

1 Obviously, it's there in the meeting notes.

2 Q. What about his demeanor gave you the  
3 impression of that?

4 A. Tone of voice.

5 Q. Was he raising his voice?

6 A. No. It was more -- no.

7 Q. Was it more of like a stern tone; do  
8 you mean?

9 A. Yes, I would say that. Yes.

10 Q. Do you recall like what he was  
11 saying to you when he was explaining this to you  
12 that it was not appropriate?

13 A. I really don't remember specific  
14 words that he said.

15 Q. Do you remember generally what he  
16 was saying to you in the explanation?

17 A. Just like I said, that he was upset  
18 about it.

19 Q. But do you remember what he told you  
20 he was upset about, if there was anything more  
21 specific?

22 A. I don't know.

23 Q. At the very top of page 995, there  
24 is a comment regarding "in public and in news  
25 today for us, as an education institution, and

1 the speed of the response."

2 Do you recall any discussions about that in  
3 the meeting?

4 A. No.

5 Q. There are some discussion -- or  
6 notes here regarding things Alan was saying at  
7 the meeting. And there's the discussion of "20  
8 years ago, okay -- now?" And then it says, "Two  
9 friends being too amorous when lights went out."

10 Do you recall this part of the meeting at  
11 all?

12 A. No.

13 Q. And right below that, Curt Dietrich  
14 has noted, "Holly, you're trying to take on self  
15 and make decision; need to get others involved."  
16 And then the next line says -- it's your  
17 initials, and it says, "Talked to grade partner."

18 Do you remember this part of the  
19 conversation that you were having in the meeting?

20 A. No, I don't.

21 Q. Two lines down your initials appear  
22 again, and it says, "Snowballed -- police  
23 involved and more students."

24 Do you see that?

25 A. Yes, I see it.



1 Q. Do you recall this part of the  
2 meeting in this discussion?

3 A. I really don't. No, I don't.

4 Q. At the very bottom of page 995,  
5 there's a note of Curt Dietrich talking again,  
6 and it says, "That's exactly why we need to deal  
7 with it." And it says, "Approp. in the  
8 beginning" -- A-P-P-R-O-P, period -- "other thing  
9 bad talking to the kids together; the victim is  
10 not comfort, zip it, and won't talk."

11 Do you recall this discussion in the  
12 meeting?

13 A. I remember in the meetings I had  
14 with Cheryl McHugh -- and I'm sure with Curt  
15 Dietrich -- that it was discussed that I should  
16 not have pulled the students out together. I  
17 don't specifically remember Curt Dietrich saying  
18 that to me in the meeting.

19 Q. Do you know if you were present for  
20 the entire meeting?

21 A. I would assume that I was.

22 Q. I don't want you to guess. But I'm  
23 wondering, if you know, in this meeting you kind  
24 of gave your discussion with everybody and then  
25 left, and they continued to meet, if you know, or

1 if you were part of this total discussion where  
2 everybody is kind of talking about things?

3 A. I don't know.

4 I know that Alan and I left at the  
5 same time.

6 Q. This is on page 996, where I guess  
7 Alan was speaking again. It says, "Concern with  
8 PB's form."

9 Do you know what that's referring to; what  
10 that means?

11 A. Bill Bowen.

12 Q. Concern with Bill Bowen's form?

13 A. I don't know.

14 Q. Do you know what that could be  
15 referring to?

16 A. I'm not sure.

17 Maybe the office referral form.

18 Q. But you're not sure?

19 A. I'm not sure.

20 Q. The last thing on page 996, it says,  
21 "Perception that Bill doesn't want to be bothered  
22 with things."

23 Do you see that?

24 A. Yes.

25 Q. At the time did you have a

1 perception about Bill Bowen not wanting to be  
2 bothered with things?

3 A. There were several instances  
4 throughout the years that I worked with him where  
5 he didn't really handle or deal with situations.

6 Q. What do you mean by that?

7 A. A student misbehaving in the  
8 classroom, and the principal was called, and he  
9 would not respond. I know of other behavior  
10 slips that went to the office and nothing had  
11 happened.

12 Q. Is this just things that you knew  
13 about that personally happened to you or -- I  
14 guess that's my question -- are these things that  
15 personally happened to you?

16 A. There were some behavioral incidents  
17 with students that I would reach out to the  
18 office, and they were not handled. And then also  
19 with the teachers that I worked with. So I had  
20 personal, and also within the building.

21 Q. Okay. In the incidents where you  
22 personally were the one contacting the office and  
23 you said "they weren't handled," without  
24 identifying who the student was -- unless it  
25 happened to be [REDACTED] or [REDACTED] -- can you tell

1 me what you can remember about each of those  
2 times; what had happened?

3 A. I don't remember specific times.  
4 Like, I can't give you a specific incident.

5 I just remember that was the general  
6 feeling within the building among the staff.

7 Q. Did anybody, whether you or you're  
8 aware of somebody else, go to somebody to let  
9 them know about that being the "general feeling"?

10 A. Going to?

11 Q. Whether it was Mr. Bowen himself or  
12 anybody else.

13 A. Not that I can remember, no.

14 Q. Do you remember there ever being any  
15 meetings about the responsiveness or lack thereof  
16 of Mr. Bowen to incidents?

17 A. No.

18 Q. The incidents that you have  
19 mentioned you going to or submitting something to  
20 the office, and then it not being handled, do you  
21 recall at all the types of behaviors that were at  
22 issue in those situations?

23 A. Like, behavioral disruptions in the  
24 classroom. Yeah, I would say that.

25 Q. Do you know whether any of them had



1 anything to do with kids touching other kids?

2 A. No.

3 Q. No, it didn't; or no, you don't  
4 remember?

5 A. No, it didn't.

6 I mean, I can only speak for the  
7 ones that I submitted to the office. I can't  
8 speak for other staff members, what they  
9 submitted. But there were none that I submitted  
10 that were of students touching each other.

11 Q. When you're saying you "submitted it  
12 to the office," what type of submission did you  
13 make to Mr. Bowen's office?

14 A. It's the behavior form that we've  
15 been talking about. If it was a major offense,  
16 it would go right to the office. If it was like  
17 a fight, that form would go directly to the  
18 secretary.

19 Q. And would you, like, drop it off in  
20 the secretary's bin, to be passed along to the  
21 principal, or how did that work?

22 A. Yes.

23 Q. Do you have an estimate of the  
24 number of times that you personally had done that  
25 and felt that it wasn't handled?

1           A.           No. I don't know.

2           Q.           Was it more than once?

3           A.           Yes.

4           Q.           Do you remember if it was more than  
5 five times?

6           A.           No.

7           Q.           At this point, in 2015, these  
8 comments are saying that "There is a perception  
9 that Bill didn't want to be bothered with  
10 things."

11           So would you agree with me that these  
12 incidents that you're talking about would have  
13 happened -- at least some of them -- prior to  
14 June of 2015, when this meeting is being held?

15           MS. JORDAN: Note my objection to  
16 the form of the question.

17           THE WITNESS: What would have  
18 happened prior to June of 2015?

19 BY MS. LAUGHLIN:

20           Q.           The incidents where you had reported  
21 it or dropped off the form and it didn't get  
22 handled.

23           MS. JORDAN: Same objection.

24           You can answer.

25           THE WITNESS: Yes.

1 BY MS. LAUGHLIN:

2 Q. Can you estimate for me when? Was  
3 it this school year or had it been happening  
4 since you got there in 2008, you were having  
5 issues with that?

6 A. Bill Bowen was not the principal in  
7 2008. I'm not sure when he started.

8 But it was the previous year, as  
9 well.

10 Q. I got to talk to Mr. Bowen earlier  
11 this week. And I think he said he started in  
12 2013, if that gives you some context.

13 So from 2013 to 2015, there were several  
14 incidents where you had reported a behavioral  
15 incident, and it was not handled; is that  
16 correct?

17 A. Or the grade level I was working  
18 with had reported a situation, and it was not  
19 handled. Correct.

20 Q. Like, both you're saying?

21 A. Yes.

22 Q. In your specific incidents when you  
23 were submitting these referral forms and it was  
24 not handled, how did you know that it was not  
25 handled?

1           A.           Because when a situation was  
2 handled, he would fill it out and give it back to  
3 the teachers. So we would never see it again or  
4 hear about it again.

5           Q.           Meaning, that he would fill it out,  
6 like make comments on your office referral form?

7           A.           Yes.

8           Q.           And then where would it go back to?

9           A.           Sometimes a copy was made. He would  
10 always keep a copy, too. It would go back to the  
11 teacher, to let them know what the consequences  
12 were or if the parent was contacted, or if  
13 something had happened from the behavior  
14 write-up.

15          Q.           Okay. In the situations where you  
16 had submitted that report and nothing had  
17 happened, did the behavior of the kids change or  
18 was that still something that you were dealing  
19 with then?

20          A.           I don't remember a specific student,  
21 like a repeat. I don't remember that.

22          Q.           Is there anything about you  
23 reporting specifically and then not having  
24 anything happen that you can remember that we  
25 didn't already talk about?



1           A.           No.

2           Q.           What about in the other grades that  
3   you were working with? You said other people had  
4   other similar complaints. What do you recall  
5   about those?

6                   MS. JORDAN: Note my objection to  
7   the form of the question.

8                   You can answer.

9                   THE WITNESS: Just like I had said  
10   before, it was just kind of the perception that  
11   people had based on experiences of them having a  
12   situation in the classroom, submitting the form,  
13   and then nothing happening from --

14                   (Multiple speakers.)

15                   MS. LAUGHLIN: Sorry. Go ahead.

16                   THE WITNESS: That's okay. I was  
17   finished.

18   BY MS. LAUGHLIN:

19           Q.           Was it only submission of forms or  
20   were there, to your knowledge, other  
21   conversations they had with Bill and just feeling  
22   like he didn't want to be bothered?

23           A.           I can't speak to other peoples'  
24   conversations with Bill.

25                   I would say it was just the forms,

1 because that was his method that he wanted us to  
2 use. And there were many of us that just felt  
3 things were not followed through.

4 Q. Do you know whether you or anybody  
5 else had spoken to anybody like Ms. Vaszily or  
6 anybody other than Bill about your frustration  
7 with the way Mr. Bowen was handling things?

8 MS. JORDAN: Note my objection to  
9 the form of the question.

10 You can answer.

11 THE WITNESS: Yes. The teachers'  
12 frustrations were shared with the building  
13 guidance counselor.

14 BY MS. LAUGHLIN:

15 Q. Was that Ms. Vaszily at the time or  
16 someone different?

17 A. Correct. Yes, Kristin Vaszily.

18 Q. Do you know when you or the other  
19 teachers had shared the frustrations with her?

20 A. Not a specific moment, no.

21 Q. What was Ms. Vaszily's reaction?

22 A. I can't speak to her reaction. I  
23 don't know.

24 I think it was just -- a building  
25 guidance counselor is kind of like everybody's

1 guidance counselor. And she had a great rapport  
2 with all of the staff at Gwynedd Square. So I  
3 think it was just that comfort -- we felt  
4 comfortable to be able to vent or even discuss  
5 things with her about the building.

6 Q. Did anything change about the way  
7 that Mr. Bowen handled things after your  
8 conversations with Ms. Vaszily?

9 A. No.

10 Q. I know we kind of talked about that  
11 you had described from 2013 to 2015, a bunch of  
12 you having this impression of him. Did that  
13 impression of him, that he didn't want to be  
14 bothered with things, continue through 2019, when  
15 he left Gwynedd?

16 A. I would say yes.

17 Q. Were there other instances after  
18 2015 that you can recall him not wanting to be  
19 bothered with things?

20 A. Not a specific student. No, I can't  
21 remember a specific situation. No.

22 Q. You said when Mr. Bowen came to the  
23 school in 2013 that he was the one having  
24 implemented this office referral form and  
25 utilizing that. Is that right?

1           A.           Correct.

2           Q.           What was the process before then, if  
3           there was an incident or something like that with  
4           a student, to document or notify somebody?

5           A.           I think we had an office referral  
6           form then, as well, if I remember. I think it  
7           was like the three different colors. If you  
8           wrote on it, it would go through and you could  
9           tear it off. It was a different form, but  
10          something along the same lines, something very  
11          similar.

12          Q.           Do you know who implemented that  
13          prior form?

14          A.           We had a year with a few substitute  
15          principals. But the previous principal before  
16          that was Lou Ann Justice.

17          Q.           And that was something Ms. Justice  
18          had put in place?

19          A.           Yes.

20                      Actually, I can't say that. I don't  
21          know.

22                      It was there when I started in 2008.

23          Q.           When Ms. Justice was the principal?

24          A.           Yes. Correct.

25          Q.           When Mr. Bowen was implementing the



1 office referral form when he started as a  
2 principal in 2013, did he give you, as a teacher,  
3 or any of the other teachers, if you know, any  
4 training or instruction on completing the form?

5 A. He shared the form with us at a  
6 faculty meeting and discussed the form. I don't  
7 remember specifically exactly what he said. But  
8 he said basically, "This is what we'll be using  
9 now for behavioral issues within the building."

10 Q. Okay. So I want to go to the office  
11 referral form now, which is page 1023. And this  
12 is an office referral form for [REDACTED] [REDACTED]

13 You mentioned, though, that you had filled  
14 one out for [REDACTED] as well?

15 A. Yes.

16 Q. Do you know what happened to that  
17 referral form?

18 A. I do not.

19 Q. Do you know whether what you put on  
20 [REDACTED] form was the same as what you were  
21 putting on [REDACTED] form?

22 A. It was exactly the same.

23 Q. And why did you fill out a form for  
24 each of them?

25 A. I thought at the time that the

1 situation involved both of them. Both of their  
2 hands were under the table. [REDACTED] was touching  
3 [REDACTED] hands.

4 Q. When you say "[REDACTED] was touching  
5 [REDACTED] hands," were their hands like rubbing  
6 each other's hands or were their hands just  
7 touching each other?

8 MS. JORDAN: Note my objection to  
9 the form of the question.

10 You can answer.

11 THE WITNESS: I don't know if they  
12 were moving around. I just remember having both  
13 of [REDACTED] hands and both of [REDACTED] hands  
14 under the table.

15 BY MS. LAUGHLIN:

16 Q. You don't recall if their hands were  
17 touching, you mean?

18 A. No. I meant like moving, if they  
19 were just placed there or -- I don't remember  
20 them moving, but I know that they were touching  
21 each other's hands.

22 Q. Do you recall where their hands  
23 were, whether they were on somebody's leg or just  
24 suspended in the air?

25 A. Correct. They were on each other's

1 legs.

2 Q. Describe for me whose legs were they  
3 on? Whose hands were on whose legs?

4 A. I don't know.

5 Q. You said, "They were on each other's  
6 legs." What did you mean?

7 A. [REDACTED] was sitting on the left, and  
8 [REDACTED] was on right, and both of their hands were  
9 underneath the table. So I guess it would have  
10 been [REDACTED] right leg and [REDACTED] left leg,  
11 because their arms were hanging down underneath  
12 the table.

13 Q. Was [REDACTED] hand on [REDACTED] leg,  
14 and [REDACTED] hand on [REDACTED]s?

15 A. Their legs weren't touching. Their  
16 hands were touching.

17 Q. You said their hands were also  
18 touching each other's legs, too.

19 Did I misunderstand that?

20 A. Well, I guess it's just the way I'm  
21 describing it. [REDACTED] arm is resting on her  
22 leg to touch [REDACTED] hand.

23 Q. Were they touching each other's legs  
24 at all?

25 A. I don't know.

1 Q. You don't know whether [REDACTED] was  
2 touching [REDACTED] leg?

3 A. I don't know.

4 Q. Other than [REDACTED] wearing a  
5 sweatshirt, do you remember what she was wearing  
6 on her bottoms?

7 A. No.

8 Q. This form, you said Mr. Bowen had  
9 showed it to you first at a faculty meeting. Was  
10 that when he first became principal?

11 A. I don't remember exactly when he  
12 shared the form with us.

13 Q. Prior to the 2014-2015 school year,  
14 do you recall whether he shared it with you guys  
15 more than once?

16 A. I don't know.

17 Q. When he's showing you this form, did  
18 he give any explanation to you and whoever else  
19 was in this faculty meeting about, for example,  
20 the difference between "Minor Problem Behavior"  
21 and "Major Problem Behavior"?

22 A. Not specific examples of  
23 differences.

24 He told us three minors need to go  
25 to the office, and one major needs to come to the



1 office.

2 Q. Do you remember having any questions  
3 about the form and his explanation?

4 A. No.

5 Q. Did he explain at all what  
6 "Inappropriate Language" meant?

7 A. I don't recall him going through  
8 each behavior and explaining it; no.

9 Q. So "Physical Contact," he didn't  
10 explain to you what would qualify as physical  
11 contact?

12 A. Correct.

13 Q. Is that something just you, as a  
14 teacher, what you thought physical contact was,  
15 you could fill out the form based on what your  
16 thought was?

17 A. Yes. I guess.

18 Q. When you talked to Mrs. Divver about  
19 completing these forms, did you show her the  
20 forms that you had completed back in November?

21 A. I did show her the forms when I  
22 completed them, because she filed them. She kept  
23 them in her classroom.

24 Q. Do you know where in the classroom  
25 they were kept?

1           A.       She had, like, a milk crate. And  
2 each student had their own file, like a file  
3 folder, just throughout the year. She kept them  
4 in there.

5           Q.       So one would have been in [REDACTED]  
6 milk crate, and one would have been in [REDACTED]  
7 milk crate?

8           A.       Just one milk crate with multiple  
9 file folders.

10          Q.       Okay.

11          A.       A file folder for each student.

12          Q.       I understand.

13               If Mr. Bowen didn't go through what each of  
14 the "Minor Problem Behaviors" were, did he also  
15 not go over what the "Major Problem Behaviors"  
16 were?

17          A.       He did not; no.

18          Q.       At the time what did you believe  
19 "Harassment, Bullying" meant on this form?

20          A.       A student harassing another student.

21          Q.       And what did that mean to you, "a  
22 student harassing another student"?

23          A.       I guess verbal harassment.

24               Bullying is something I know we're  
25 taught -- bullying is something that continually

1 happens.

2 Q. Was there anything on this form that  
3 you are aware of, from your understanding of what  
4 the terms meant on the form, that could be  
5 checked off for some type of sexual contact?

6 A. That was never discussed with us.  
7 I guess that would have been  
8 "Other."

9 Q. "Other" under what?

10 A. If I was going to report sexual  
11 contact on the office referral form; is that what  
12 you're asking?

13 Q. I'm asking about sexual contact, if  
14 you know, if it would have fallen under any of  
15 these categories. I think you told me "Other."  
16 There's "Other" in Minor Problem Behavior and  
17 "Other" in Major Problem Behavior. So I'm asking  
18 what you're referring to?

19 A. I would say that would be a Major  
20 Problem Behavior.

21 Q. At the time what defines "sexual  
22 contact"? What was your understanding of that,  
23 what sexual contact was?

24 A. Inappropriate touching.

25 Q. Did it have to be on a particular

1 part of the body?

2 A. I don't know.

3 Q. Would you agree with me, at the  
4 time, that a boy putting his hand up a female  
5 student's shirt, would that be inappropriate  
6 contact at the time, like what you knew at the  
7 time?

8 MS. JORDAN: Note my objection to  
9 the form of the question.

10 You can answer.

11 THE WITNESS: Yes, that is  
12 inappropriate contact.

13 BY MS. LAUGHLIN:

14 Q. Why did you call it "Physical  
15 Contact" here as a Minor Problem Behavior on the  
16 form?

17 A. I do feel that I caught it  
18 immediately.

19 Q. What do you mean?

20 A. Like, he did not get to fully put  
21 his hand all the way up her shirt. It was caught  
22 immediately and dealt with.

23 And the fact that [REDACTED] was also  
24 touching [REDACTED] And I wrote up an office  
25 referral form for [REDACTED] as well.



1           Q.           Meaning, he didn't get to go all the  
2 way up her shirt to where her breasts were, you  
3 meant? You caught it before that point?

4           A.           Yes. Like, his hand didn't even  
5 really get up the shirt. He had just started to  
6 do that. And I caught them and stopped them and  
7 pulled them out in the hallway.

8           Q.           When you said "[REDACTED] was touching  
9 [REDACTED] you meant touching his hand?

10          A.           Yes.

11          Q.           Was it the hand that was going up  
12 [REDACTED] shirt that she was touching?

13          A.           Her hands were like over his hands  
14 at that point -- over his arms.

15                       I don't know how to describe it. I  
16 don't know how to describe this.

17                       All four hands were under the table.

18          Q.           Then one of [REDACTED] hands started  
19 to go up [REDACTED] shirt; right?

20          A.           Yes.

21          Q.           Was [REDACTED] hand on [REDACTED] hand  
22 at all on that hand that was going up [REDACTED]  
23 shirt? Was she touching that hand?

24          A.           I don't know if it was that specific  
25 hand. But her hands were under the table,

1 touching his arms and hands. So yes.

2 Q. I'm saying at the time that his hand  
3 was going up her shirt, was [REDACTED] hand on that  
4 hand of [REDACTED]'s?

5 A. I don't know.

6 [REDACTED] hand was not going up her  
7 own shirt. So her hand may have been on his arm  
8 at that point.

9 Q. I'm just asking. If you don't know  
10 or you're not sure, I don't want you to guess. I  
11 wasn't there. So I can't say what I saw. I can  
12 only ask you what you recall.

13 And I'm asking, do you recall whether  
14 [REDACTED] -- one of her hands was on [REDACTED] hand  
15 that was going up her shirt while it was going up  
16 the shirt?

17 A. I don't recall.

18 I recall all four hands being under  
19 the table. And I recall, like, feeling that I  
20 caught it literally the second it was happening,  
21 to stop his hand from going up.

22 Q. When you caught it, when you stood  
23 up and pointed to them and were calling them out  
24 of the room, could you see [REDACTED] hand that was  
25 going up the shirt or was it covered by the

1     sweatshirt at that point?

2           A.       I don't remember.

3           Q.       Is there a certain point in your  
4     understanding at the time that something would  
5     become sexual contact; meaning, how far up the  
6     shirt did he have to go or did a person have to  
7     go for it to be defined in your understanding as  
8     "sexual contact"?

9                   MS. JORDAN: Note my objection to  
10    the form of the question.

11                   You can answer.

12                   THE WITNESS: I don't know.

13    BY MS. LAUGHLIN:

14           Q.       Did you have an understanding of  
15    whether there was a level of once it got to a  
16    certain part of the body, it would be sexual  
17    contact?

18           A.       I guess no, not like a specific part  
19    of the body that would all of a sudden make it  
20    sexual contact. No.

21           Q.       Why did you select "Physical  
22    Contact" on the form?

23           A.       Like I said, they were both touching  
24    each other. That was why I chose that behavior.

25           Q.       I'm going to show you page 985.

1 This is a letter dated February 1, 2016, from  
2 Charles Herring, from the Pennsylvania State  
3 Education Association, to Kyle Somers, the  
4 District's lawyer, who is here sitting in the  
5 deposition today.

6 And it mentions in the second line of this  
7 letter that you had "received an evaluation that  
8 requires a Professional Improvement Plan based  
9 upon the incident of last November."

10 Do you recall receiving a Professional  
11 Improvement Plan?

12 A. I did not. Because it was part of  
13 the grievance, and that was taken away.

14 Q. The evaluation was taken away?

15 A. No. It says, "The evaluation  
16 requires a Professional Improvement Plan." I  
17 never actually got to the point where I was in a  
18 Professional Improvement Plan.

19 Q. Okay.

20 A. They removed it. It was something  
21 the district was going to do, but then it was  
22 removed.

23 Q. After the grievance was filed?

24 A. Correct.

25 Q. Did you have any discussions with



1 anybody from the district -- not a lawyer, but  
2 whether it's Mr. Bowen or anybody else about you  
3 going to get a Professional Improvement Plan?

4 A. No.

5 Q. Earlier when you were telling me  
6 about Professional Improvement Plans, it was, I  
7 think, your understanding that you had to have  
8 two failings to get a Professional Improvement  
9 Plan. Is that right?

10 A. Yes.

11 Q. When you said "two failings," did  
12 you mean two separate evaluations or two failings  
13 within one evaluation?

14 A. I'm pretty sure it's two separate  
15 evaluations.

16 Q. And so I think -- go ahead.

17 A. I think the district was putting me  
18 on the Professional Improvement Plan based upon  
19 the incident that happened in November.

20 Q. And based on your testimony  
21 previously, you only had one unsatisfactory  
22 evaluation or one failing evaluation; right?

23 A. Correct.

24 Q. So then you didn't actually have to  
25 do a Professional Improvement Plan?

1 A. Correct.

2 Q. There were some notes about the case  
3 going to arbitration; your grievance going to  
4 arbitration. Did you ever have an arbitration or  
5 did it settle before then?

6 A. It settled.

7 Q. I'm showing you Bates number 1001,  
8 and it's the Agreement regarding you and the  
9 incident.

10 Have you seen this document before?

11 A. Yes.

12 Q. And that's your signature at the end  
13 of it?

14 A. Yes.

15 Q. By you signing this, did you agree  
16 with what was in this form, if you can recall, at  
17 the time?

18 A. I guess I would say yes. It says,  
19 "I have approved this Agreement."

20 Q. Would you have signed it if you  
21 didn't agree with it?

22 A. I'm sure -- I was under the  
23 direction of Sean Devlin at that point, as well.  
24 Advice from him.

25 Q. And he's the Education Association

1 president?

2 A. It had just changed from Alan to  
3 Sean in the course of this situation; yes.

4 Q. But even with his direction, would  
5 you have signed this document if you didn't agree  
6 with it?

7 A. If I didn't agree with it, no, I  
8 would not have signed it.

9 Q. Following the November 2014  
10 incident, and then when it came to light to the  
11 administration in the spring of 2015, did you get  
12 any further training from anybody based on the  
13 November incident?

14 A. Nothing in addition to what any  
15 other teacher would receive through our  
16 professional development.

17 Q. Okay. Did Ruth Divver get  
18 disciplined at all as a result of the November  
19 incident?

20 A. I'm not sure.

21 Q. Did you and Ms. Divver have any  
22 discussions about the discipline that you were  
23 receiving from the incident?

24 A. She knew I was suspended, because I  
25 worked with her and I wasn't going to be there

1 for two days. And I'm sure she knew about the  
2 evaluation at the end of the year, as well.

3 Q. Do you know whether she had also  
4 received a negative evaluation?

5 A. I don't remember.

6 Q. I know you said you discussed you  
7 getting a negative evaluation. Do you remember  
8 at all the conversations or what she had said  
9 about it?

10 A. I don't remember.

11 Q. Do you remember whether she agreed  
12 with the negative evaluation or the discipline?

13 A. I don't remember.

14 Q. Other than the conversations we've  
15 talked about, the meetings and the ones that you  
16 may have had with Mrs. Divver, do you remember  
17 any other conversations you had with anybody  
18 surrounding these incidents?

19 MS. JORDAN: Note my objection to  
20 the form of the question.

21 You can answer.

22 THE WITNESS: Nothing that I haven't  
23 shared with you.

24 BY MS. LAUGHLIN:

25 Q. Did you ever talk to [REDACTED] about it



1 other than pulling her and [REDACTED] out in the  
2 hallway?

3 A. No.

4 Q. Were you her special education  
5 support in the sixth grade, as well?

6 A. Yes.

7 Q. Did you notice at all a difference  
8 in the way [REDACTED] interacted with you in fifth  
9 grade compared to sixth grade?

10 A. No.

11 Q. Did you ever have any issues with  
12 [REDACTED] whether it be behavior issues or other  
13 issues with her, during the course of [REDACTED]  
14 fifth grade and sixth grade year?

15 A. No.

16 Q. Did you ever talk to [REDACTED]  
17 parents about the incident?

18 A. No.

19 Q. Did you ever talk to [REDACTED]  
20 parents about the incident?

21 A. No.

22 Q. Did you ever exchange any emails  
23 about this incident in any way?

24 A. No.

25 Q. What about text messages? Any kind

1 of text messages that you exchanged?

2 A. No.

3 Q. Did you keep a journal or diary  
4 around 2014-2015?

5 A. No.

6 Q. Other than the office referral form  
7 that we looked at and the handwritten notes that  
8 we looked at towards the beginning of the  
9 deposition, are there any other notes that you  
10 made as a result of this incident?

11 A. No.

12 Q. I'm going to show you one other  
13 page. I'm showing you page 983. And this is  
14 your evaluation that you mentioned at the end of  
15 the year.

16 Is this something that was kept in your  
17 employee file or your teacher file, as far as you  
18 know?

19 A. Yes. And we're also given a copy of  
20 it.

21 Q. Okay. Just for you to keep for your  
22 own records or to see what was there?

23 A. Correct.

24 Q. Do you recall Mr. Bowen -- he  
25 described that throughout the year, he would come

1 in to teachers' classrooms to observe them.

2 Do you recall him doing that for you in the  
3 2014-2015 school year?

4 A. I don't remember.

5 Because sometimes I would get  
6 observed by the building principal, and sometimes  
7 I would get observed by the special education  
8 supervisor.

9 Q. I think Bill, on Monday of this  
10 week, had said that he was the one evaluating  
11 you. Maybe it might have just been in this  
12 2014-2015 school year.

13 Do you recall any -- sorry, go ahead.

14 A. The final evaluations are always  
15 from the building principal. But the  
16 observations can vary between supervisor or  
17 building principal.

18 Q. Do you recall the principal, Mr.  
19 Bowen, coming in and observing you at all during  
20 the 2014-2015 school year?

21 A. Yes.

22 Q. Can you tell me what you remember  
23 about those evaluations -- those observations?

24 A. I was really struggling at the  
25 beginning of the year, because we had just moved

1 to full inclusion and I had three grade levels.  
2 So he actually followed me one day throughout my  
3 schedule, just to see how I had to go up stairs  
4 and down stairs. And then we met afterwards to  
5 discuss my schedule.

6 Q. Do you know about when that was?  
7 You said early on in the year, but do you know  
8 the month?

9 A. I don't know exactly.  
10 I would assume September.

11 Q. Would it have been prior to the  
12 incident in November?

13 A. Yes.

14 Q. As of November, were you still like  
15 struggling or overwhelmed with the inclusion,  
16 would you say, at that point, the full inclusion,  
17 I mean?

18 A. No.

19 Q. When you and Mr. Bowen had the  
20 discussion about the schedule and you going up  
21 the stairs and down the stairs, can you tell me  
22 what you remember about that conversation?

23 A. I think I ended up he referred me to  
24 the special education supervisor. And we talked  
25 about my schedule and how I could make my day a



1 little bit easier.

2 Q. So what ended up happening?

3 A. We met with a few of the teachers  
4 that I worked with and really just talked about  
5 how I was responsible for the IEP students, to  
6 kind of hone in on when I was in the classroom,  
7 what I should be doing and what I should be  
8 working on.

9 Q. Did they change your schedule at  
10 that point, too, so you weren't running up and  
11 down between classes?

12 A. No.

13 Q. So that was still something -- in  
14 November, you were still having to run from one  
15 floor to the next to observe or help these  
16 students?

17 A. Yes.

18 Q. Are there other things that weren't  
19 changed that you wish were at the time based on  
20 the meeting that you had with the special  
21 education supervisor and Mr. Bowen?

22 A. No, not that I can think of.

23 Q. On page 983, the evaluation that you  
24 had, do you recall having a meeting with Mr.  
25 Bowen about this evaluation, like going over it?

1           A.           Yes.

2           Q.           And what do you recall about that  
3 meeting?

4           A.           I had union representation there.

5           Q.           Meaning Alan or what do you mean?

6           A.           No. It was a building rep.

7           Q.           Okay. What else? Do you remember  
8 anything about the discussions that were had in  
9 the meeting?

10          A.           I remember crying.

11                    I don't remember specifically -- I  
12 had gotten good evaluations from the previous  
13 year. I don't specifically remember what Mr.  
14 Bowen and I discussed; no.

15                    I know I was very upset with the  
16 failing marks, and I wanted to meet with him,  
17 just to clarify why I received the failing marks.

18          Q.           To understand from him why he gave  
19 you the failing marks?

20          A.           Yes.

21          Q.           Was that the meeting that you were  
22 crying in, when he was explaining it to you?

23                    MS. JORDAN: Note my objection to  
24 the form of the question.

25                    You can answer.

1 THE WITNESS: Yes. Yes.

2 BY MS. LAUGHLIN:

3 Q. Why were you crying during the  
4 meeting?

5 A. I'm just very emotional, and it was  
6 just a really hard year. And then I felt like  
7 this was just -- I was just really upset. I had  
8 never had a failing evaluation before, ever.

9 Q. And were you explaining that to him  
10 in the meeting?

11 A. Yes.

12 Q. Were you explaining to him that you  
13 didn't feel like the failing was warranted?

14 A. And I remember saying, "Just looking  
15 at the entire year, I didn't feel that I was  
16 failing in those two areas." Correct.

17 Q. And then what did he say? If you  
18 were saying "look at the entire year," did he  
19 tell you "this incident was so big," or what did  
20 he say in response?

21 MS. JORDAN: Note my objection to  
22 the form of the question.

23 You can answer.

24 THE WITNESS: He was directed to  
25 give me the failing in the two areas.

1 BY MS. LAUGHLIN:

2 Q. He told you that?

3 A. Yes.

4 Q. Who was he directed by?

5 A. He didn't say.

6 Q. Was he telling you that he didn't  
7 think that you needed to be failing in those  
8 areas; like someone told him to do that? He  
9 didn't believe you were failing?

10 MS. JORDAN: Note my objection to  
11 the form of the question.

12 You can answer.

13 THE WITNESS: I don't remember.

14 BY MS. LAUGHLIN:

15 Q. I'm showing you Bates number 1026.

16 It's the Elementary School Code of Conduct.

17 Have you seen this document before?

18 A. I can't say that I have; no.

19 Q. Now that it's a little bit bigger on  
20 your screen, have you seen this document before?

21 A. No.

22 Q. Do you know if you ever received  
23 training prior to the 2014-2015 school year on  
24 the Elementary School Code Of Conduct?

25 A. I don't remember.



1 MS. LAUGHLIN: I think those are all  
2 the questions I have for you, Ms. Garrett. Thank  
3 you.

4 MS. JORDAN: I just have a few  
5 questions.

6 EXAMINATION BY MS. JORDAN:

7 Q. You were the case manager for  
8 [REDACTED] correct?

9 A. Yes.

10 Q. And did that start in fourth grade?

11 A. No. Fifth grade.

12 Q. When you had her in fifth grade, it  
13 was full --

14 A. Self-contained.

15 Q. So she was coming to your classroom?

16 A. Correct.

17 Q. Then in sixth grade, that's when it  
18 changed to full inclusion, into the regular  
19 curriculum?

20 A. Correct.

21 Q. And in that first year that you were  
22 her case manager, were there other students in  
23 the classroom when she came to your classroom?

24 A. Yes.

25 Q. Would you ever have one-on-one with

1 her?

2 A. Yes.

3 Q. And did that continue in the sixth  
4 grade when it was full inclusion?

5 A. Yes.

6 Q. How often would you meet with her  
7 one-on-one?

8 A. For IEP progress monitoring, for her  
9 goals, I would say every week or every other  
10 week.

11 Q. So you're meeting with her on a  
12 regular weekly basis by herself --

13 A. Yes.

14 Q. -- during her school year?

15 A. Yes.

16 Q. By the time that sixth grade started  
17 and you had had a full year with her, did you  
18 feel as though you knew [REDACTED] as a student?

19 A. Yes.

20 MS. LAUGHLIN: Objection.

21 BY MS. JORDAN:

22 Q. Did you have conversations with her  
23 that were not related to her academics only?

24 A. I'm sure we did. I mean, I can't  
25 remember a specific conversation. But my

1 students like to share about their weekends or if  
2 they were excited about something that was coming  
3 up.

4 Q. And when the sixth year started and  
5 it was full inclusion, were you still meeting  
6 with her once a week by herself?

7 A. To progress monitor for the IEP  
8 goals, yes.

9 Q. Did she have any struggles with the  
10 full inclusion in regards to academics?

11 A. Not that I remember.

12 Q. Did she have any difficulty with the  
13 full inclusion outside of academics that she  
14 related to you, to your recollection?

15 A. No, not that I remember.

16 Q. After the incident in November with  
17 [REDACTED] in the classroom where you called them  
18 out, other than discussing the incident with them  
19 in the hallway, as you recall, did you have any  
20 further conversation with her when you met with  
21 her one-on-one?

22 A. No.

23 Q. Did you have any further  
24 conversation with her regarding that incident in  
25 any respect?

1 A. No.

2 Q. Did her behavior change at all after  
3 that incident with you in your one-on-one  
4 meetings and/or in your interaction in the  
5 classroom?

6 A. No.

7 Q. After the incident occurred, prior  
8 to learning of the November -- I'm sorry -- the  
9 April 2015 incident, did she ever make any  
10 statements to you about [REDACTED]

11 A. Not that I can remember, no.

12 Q. After learning about the incident  
13 involving [REDACTED] with the other girl in the same  
14 grade, did you have any conversation with [REDACTED]  
15 about the incident in November?

16 A. No.

17 Q. Did you have any conversation with  
18 her at all about her being separated from [REDACTED]

19 A. No.

20 Q. Did she say anything to you about  
21 being separated from [REDACTED]

22 A. Not that I can remember, no.

23 Q. Did her demeanor change in any way?

24 MS. LAUGHLIN: Objection.

25 THE WITNESS: No.



1 BY MS. JORDAN:

2 Q. Did she -- strike that.

3 Are you aware of any information regarding  
4 [REDACTED] trying to obtain information about [REDACTED]  
5 after they were separated following the April  
6 2015 incident?

7 A. Just at recess. It just became very  
8 apparent at recess that she wanted to get to him,  
9 to play with him or ask him for his phone number.

10 Q. And when [REDACTED] -- strike that.

11 When [REDACTED] was having recess, would [REDACTED]  
12 also be having recess?

13 A. The entire grade level, sixth grade,  
14 had recess at the same time.

15 Q. Would you be out on the recess area?

16 A. Like recess duty? All of the sixth  
17 grade teachers were.

18 Q. And what, if anything, do you recall  
19 observing in that regard?

20 A. Just, like, her running around,  
21 giggly, like running after him.

22 Q. Was this after they were separated  
23 in class?

24 A. Yes.

25 Q. And was there any concern when she

1 was seen running after him --

2 A. That was the day that Mrs. Divver  
3 wrote up the observations, and then submitted  
4 that to Mr. Bowen.

5 Q. And what is your understanding of  
6 what Mrs. Divver wrote up?

7 A. Just that [REDACTED] was seeking him  
8 out.

9 Q. Did you ever discuss it with her?

10 A. No.

11 Q. After [REDACTED] completed the sixth  
12 grade, did you have any further contact with  
13 [REDACTED] in any regard?

14 A. No.

15 Q. Did her mother ever contact you  
16 after the incident in April where the incident in  
17 November was learned?

18 A. No.

19 Q. Had you spoken to her mother  
20 regarding her academics prior to that time?

21 A. Prior to April?

22 Q. Yes.

23 A. I would have had to, because we have  
24 our annual meeting. So I would have had to  
25 schedule an IEP meeting.

1 And then the progress report  
2 information is shared with the parents at the end  
3 of each trimester.

4 Q. At the end of the year, would you  
5 have another meeting with her mother?

6 A. No, not necessarily a meeting,  
7 unless parents would request a transition  
8 meeting.

9 But I don't recall having a  
10 transition meeting from elementary to middle  
11 school with her parents.

12 MS. JORDAN: I have no further  
13 questions. Thank you very much.

14 MS. LAUGHLIN: I just have a couple  
15 of follow up.

16 FURTHER EXAMINATION BY MS. LAUGHLIN:

17 Q. When you said that "It was apparent  
18 at recess that [REDACTED] was trying to play with  
19 [REDACTED] I think were your exact words that you  
20 used, when you said "it was apparent at recess,"  
21 what do you mean, "it was apparent"?

22 A. Just her seeking him out, like  
23 running after him, trying to talk to him.

24 Q. Was he seeking her out, as well?

25 A. No.

1 Q. Was it just apparent to you or do  
2 you know if it was apparent to other people, from  
3 your understanding?

4 A. Other grade level teachers, yes, it  
5 was apparent to them, as well.

6 Q. Like who?

7 A. Ruth Divver, Rosana D'Elia, Kelli  
8 Asman.

9 (Multiple speakers.)

10 (Court reporter clarification.)

11 BY MS. LAUGHLIN:

12 Q. How do you know that it was apparent  
13 to them, as well?

14 A. Because it was a visual, you could  
15 see it. You could see her running after him, and  
16 you could see her trying to go up and talk to  
17 him.

18 Q. Do you know on how many occasions  
19 this occurred?

20 A. I can't say. I don't know.

21 Q. Can you estimate?

22 A. No.

23 Q. Do you recall when this was?

24 A. After the safety plan was created,  
25 [REDACTED] schedule was changed. So [REDACTED] no



1 longer had classes with [REDACTED] And then that is  
2 when we started to notice it at recess.

3 Q. Was it just [REDACTED] that was going up  
4 to [REDACTED] Because one of the examples you gave  
5 was "running around" or "chasing around" or  
6 something.

7 (Multiple speakers.)

8 Go ahead. I'm sorry.

9 A. From what I remember, it was just  
10 [REDACTED] chasing after or chasing towards [REDACTED]

11 Q. Was it just the two of them or were  
12 there other kids around, as well?

13 A. No. I remember the one day, [REDACTED]  
14 was playing basketball and there were other boys  
15 there.

16 Q. Were there any other students that  
17 were like chasing like you described?

18 A. No, not that I remember.

19 Q. So were you aware at this point that  
20 there was a separation plan in place?

21 A. Yes.

22 Q. If you knew that they were supposed  
23 to be separated, did you do anything to alert  
24 somebody that she was, as you said, "seeking him  
25 out"?

1           A.           I knew that Mrs. Divver had written  
2 up the observation and submitted it to Mr. Bowen.

3           Q.           Do you know whether after that was  
4 submitted whether anything happened as a result  
5 of that?

6           A.           I don't know.

7           Q.           Would that have been something that  
8 you would have followed up on?

9           A.           I guess he would have followed up  
10 with Mrs. Divver, if she was the one who  
11 submitted the form, but I don't -- or the  
12 write-up.

13                       But I don't remember -- I don't  
14 remember any follow up after that.

15          Q.           Do you know whether something was  
16 followed up on by Mr. Bowen or whether it was  
17 another one of those instances where something  
18 was submitted and then nothing happened from him?

19                       MS. JORDAN: Note my objection to  
20 the form of the question.

21                       THE WITNESS: I don't know.

22 BY MS. LAUGHLIN:

23          Q.           I know you were [REDACTED] case  
24 manager in the sixth grade. That was the entire  
25 sixth grade, you were her case manager?

1 A. Correct.

2 Q. Were there other options for special  
3 education caseworkers or case managers to be  
4 assigned to [REDACTED]

5 A. I guess that was always an option.  
6 We have multiple special education teachers in  
7 the building.

8 Q. Do you know whether there was ever  
9 discussion about changing [REDACTED] to a different  
10 case manager from you after what had happened in  
11 November?

12 A. I don't know.  
13 It was never mentioned to me.

14 Q. Is that something that could be  
15 requested, if you know, like a change of case  
16 manager?

17 A. From a parent?

18 Q. Anyone.

19 A. Yeah. I mean yes. Yes.

20 Q. Could you as the case manager  
21 request it?

22 A. Yes, I guess I could. Yes.

23 Q. And could a student, as well?

24 A. Yes.

25 Q. And a parent, a parent of a student?

1           A.           Yes.

2           Q.           And just to make sure I understand  
3 your testimony, I think I had asked you about  
4 this safety plan being in place. If there was a  
5 safety plan in place to separate them at this  
6 time, after April, do you know why the two  
7 students were allowed to be at recess together?

8           A.           I can't speak to that.

9                        I mean, I know that each grade level  
10 has one time -- like set time for recess.

11                       But I don't know.

12          Q.           In your experience being at Gwynedd,  
13 have you ever seen a time where kids get a  
14 different recess time so that kids can be  
15 separated?

16          A.           No.

17                       MS. LAUGHLIN: Those are all the  
18 questions I have.

19                       MS. JORDAN: I have nothing further.  
20 Thanks, Holly.

21                       MS. LAUGHLIN: Thank you.

22                       (Deposition concluded at 1:40 p.m.)

23

24

25



1 INSTRUCTIONS TO WITNESS.

2

3 Please read your deposition over  
4 carefully and make any necessary  
5 corrections. You should state the reason  
6 in the appropriate space on the errata  
7 sheet for any corrections that are made.

8 After doing so, please sign the  
9 errata sheet and date it. It will be  
10 attached to your deposition.

11 It is imperative that you return  
12 the original errata sheet to the deposing  
13 attorney within thirty (30) days of  
14 receipt of the deposition transcript by  
15 you. If you fail to do so, the  
16 deposition transcript may be deemed to be  
17 accurate and may be used in court.

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WITNESS'S CERTIFICATION

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HOLLY LYNNE GARRETT

On \_\_\_\_\_, 2021 the foregoing  
deposition was submitted to HOLLY LYNNE GARRETT,  
the witness, taken on July 28, 2021, for her  
examination.

At which time the deposition was read by the  
witness and any proposed changes desired were  
subsequently entered upon the attached errata  
sheet.

Thereafter, the deposition was duly  
witnessed and signed by:

\_\_\_\_\_  
Notary Public in and for the  
County of \_\_\_\_\_  
State of \_\_\_\_\_

\_\_\_\_\_

My Commission Expires

2

4      DATE OF DEPOSITION

5 CASE NAME

6

7	PAGE	LINE	CORRECTION
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1 C E R T I F I C A T E

2 I, DONNA ROSNER, a Certified Court  
3 Reporter, License XI001976, and Notary Public of  
4 the Commonwealth of Pennsylvania, do hereby  
5 certify that prior to the commencement of the  
6 examination, HOLLY LYNNE GARRETT was duly  
7 remotely sworn by me to testify the truth, the  
8 whole truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing  
10 is a true and accurate transcript of the  
11 testimony as taken stenographically by and before  
12 me at the time, place and on the date  
13 hereinbefore set forth.

14 I DO FURTHER CERTIFY that I am neither a  
15 relative nor employee nor attorney nor counsel of  
16 any of the parties to this action, and that I am  
17 neither a relative nor employee of such attorney  
18 or counsel, and that I am not financially  
19 interested in the action.

20   
21

22  
23 Notary Public of the Commonwealth of Pennsylvania  
24 My Commission expires October 6, 2024  
25 Dated: August 12, 2021.



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# EXHIBIT “E”

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
NO. 2:20-CV-05142

JANE DOE,	)	DEPOSITION UPON
	)	
Plaintiff,	)	ORAL EXAMINATION
	)	
- vs -	)	OF
	)	
NORTH PENN SCHOOL	)	██████████ ██████████
DISTRICT,	)	
	)	
Defendant.	)	
- - - - -	)	

TRANSCRIPT OF DEPOSITION,  
taken by and before JAMES J. GALLAGHER, JR.,  
Professional Reporter and Notary Public, at  
FREIWALD LAW, 1500 Walnut Street, 18th Floor,  
Philadelphia, Pennsylvania, on Tuesday,  
November 2, 2021, commencing at 3:21 p.m.

ERSA COURT REPORTERS  
30 South 17th Street  
United Plaza - Suite 1520  
Philadelphia, PA 19103  
(215) 564-1233



1 APPEARANCES:

2

FREIWALD LAW

3

BY: LAURA E. LAUGHLIN, ESQUIRE

1500 Walnut Street

4

18th Floor

Philadelphia, Pennsylvania 19102

5

Attorney for the Plaintiff

6

7

HENDRZAK & LLOYD

BY: MAUREEN A. JORDAN, ESQUIRE

8

3701 Corporate Parkway

Suite 100

9

Center Valley, Pennsylvania 18034

Attorney for the Defendant

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INDEX

WITNESS

PAGE

[REDACTED] [REDACTED]

By: MS. JORDAN

4

- - -

EXHIBITS

NUMBER	DESCRIPTION	MARKED ATTACHED
(NO EXHIBITS WERE MARKED.)		

- - -

1 PROCEEDINGS

2

3 (By agreement of counsel,  
4 the signing, sealing, filing, and  
5 certification of the transcript have been  
6 waived; and all objections, except as to  
7 the form of the question, have been  
8 reserved until the time of trial.)

9

10 [REDACTED] after having been  
11 duly sworn, was examined and testified as  
12 follows:

13

14 BY MS. JORDAN:

15 Q. Good afternoon, [REDACTED] My name is  
16 Maureen Jordan and I represent the school district  
17 in regard to the lawsuit filed by your sister. I  
18 know that originally you were her friend and filed  
19 it for her before she turned 18, correct?

20 A. Yes. I was her next friend.

21 Q. So you're familiar with the claims that  
22 she's making in this lawsuit, correct?

23 A. Yes.

24 Q. I'm going to be asking you questions about

1     what you may know. Have you ever been deposed  
2     before?

3     A.           No.

4     Q.           I'm sure the process was explained to you.  
5     The court reporter is taking down everything that's  
6     said and a transcript will be made. So I ask that  
7     you wait until I'm finished with my question before  
8     you respond and when you do respond your answer has  
9     to be verbal; do you understand that?

10    A.           Yes.

11    Q.           If I ask you a question and you don't know  
12    the answer to my question or you can't remember the  
13    answer to my question, that's fine, I don't want you  
14    to guess at anything; do you understand that?

15    A.           Yes.

16    Q.           If I ask you a question and you don't  
17    understand my question because of the words I've  
18    used, let me know that and I will rephrase my  
19    question until you do understand; do you understand  
20    that?

21    A.           Yes.

22    Q.           Also, if you need to take a break for any  
23    reason, you're more than entitled, but I do not  
24    believe that your deposition will be as long as your



1 sister's or your mom's.

2 Are you currently suffering from any illness  
3 or infirmity or taking any type of medication that  
4 would prevent you from understanding my questions  
5 and answering to the best of your ability?

6 A. No.

7 Q. Can you state your full name please?

8 A. [REDACTED] Francine [REDACTED]

9 Q. How old are you?

10 A. Twenty-seven.

11 Q. What's your date of birth?

12 A. [REDACTED].

13 Q. Where do you currently reside?

14 A. In Lansdale, on West 3rd Street.

15 Q. And who do you live with?

16 A. My son and my partner.

17 Q. Your son is James, correct?

18 A. Correct.

19 Q. How old is he?

20 A. Eight.

21 Q. What is your partner's name?

22 A. Tyler.

23 Q. What's his last name?

24 A. Hughes.

1 Q. Is that H-U-G-H-E-S?

2 A. Yes.

3 Q. How long have you lived on 3rd Street in  
4 Lansdale?

5 A. Four years now.

6 Q. When is the last time you lived in the  
7 family home?

8 A. The last time I lived in the family home  
9 was four years ago.

10 Q. So you moved from -- is it the Garfield  
11 Street address to your present address?

12 A. Garfield Avenue, yes.

13 Q. Okay. Are you currently employed?

14 A. Yes.

15 Q. Where do you work?

16 A. Bonucci Masonry.

17 Q. What is Bonucci Masonry?

18 A. It is an outdoor living company based in  
19 North Wales.

20 Q. When you say outdoor living, so do they do  
21 patios and summer kitchens, those types of things?

22 A. For Bonucci Masonry, we are part of a  
23 family of companies. We provide motorized louver  
24 pergolas, we do landscaping and hardscaping, along

1 with pools, pool houses, any amenities that you can  
2 look for for your outdoor entertaining space. It's  
3 a design-build company.

4 Q. Okay. How long have you worked there?

5 A. For a little over a year.

6 Q. What is your job position there?

7 A. Administrative support to the president.

8 Q. Who is the president?

9 A. Gregg DiSantis of our structure division.

10 Q. And before you held your current position,  
11 did work anywhere else?

12 A. I was laid off due to the pandemic.

13 Q. Where did you work before the pandemic?

14 A. Prior to that, I worked for APA Bucks Mont  
15 Pool Association.

16 Q. What type of business is that?

17 A. A recreational league for billiards in  
18 various locations in Bucks and Montgomery County.

19 Q. So were you employed by the county?

20 A. No. It is a franchise that has a coverage  
21 area of the Bucks and Montgomery County area.

22 Q. And what did you do for them?

23 A. I was one of two add mins in the office, so  
24 the duties varied.

1 Q. When you were growing up did you attend  
2 North Penn School District schools?

3 A. Yes.

4 Q. Did you go to Gwynedd Square Elementary?

5 A. Yes.

6 Q. Did you go to Penndale Middle School?

7 A. Yes.

8 Q. Did you go to North Penn High School?

9 A. Yes.

10 Q. Did you graduate from North Penn High  
11 School?

12 A. Yes.

13 Q. What year did you graduate?

14 A. 2012.

15 Q. So if my math is correct -- I'm not good at  
16 math -- you left the family home in approximately  
17 2017?

18 A. Yes.

19 Q. Do you remember what grade your sister  
20 [REDACTED] was in?

21 A. I do not recall without writing it out.

22 Q. No problem. Was she in high school, do you  
23 know, or not?

24 A. I would have to write that out.



1 Q. That's okay. If you don't know, you don't  
2 know. You can say I don't remember.

3 Were you living in the family home when your  
4 sister was in sixth grade at Gwynedd Square  
5 Elementary School?

6 A. Yes.

7 Q. Did you become aware of an incident that  
8 occurred in sixth grade involving [REDACTED] [REDACTED]

9 A. Yes.

10 Q. How did you learn about that incident?

11 A. We learned about it when my sister had a  
12 discussion with my mother in her bedroom when she  
13 had an emotional few hours where she was crying and  
14 unconsolable and nonverbal until she was able to  
15 calm down and -- it was tough for her.

16 Q. Do you have a recollection as to what  
17 timeframe that was; a month or a year?

18 A. I do not recall the specific timeline.

19 Q. Do you know whether the school had  
20 contacted your mom regarding [REDACTED] [REDACTED] before  
21 that happened that your sister told you and your mom  
22 in the bedroom about it?

23 A. I do not remember the sequence.

24 Q. What do you remember your sister stating

1 about the incident in the bedroom when she told you  
2 what had happened?

3 A. She told me that on multiple occasions  
4 [REDACTED] had touched her inappropriately in either her  
5 chest or her genital region. She told me that she  
6 had talked to one of the employees of the school  
7 about it. She told me that she was ashamed to talk  
8 about it and -- I mean she had to keep taking breaks  
9 in the middle of telling all of us, just because it  
10 was hard for her to discuss. I mean she was  
11 distraught and, like I said, crying and had a very  
12 low self-worth from the situation.

13 Q. When you say tell all of us, was there  
14 anyone in the bedroom besides you and your mom?

15 A. Myself and my mother.

16 Q. So it was you, your mom and your sister?

17 A. Yes.

18 Q. When she told you that she had talked to an  
19 employee of the school about it, do you know who she  
20 was referring to?

21 A. I believe she was referring to the aide. I  
22 do not recall her name.

23 Q. And did she give any more detail other than  
24 she had talked to an employee, who you believe was

1 the aide, but you don't know the name, at the school  
2 about it?

3 A. Could you please rephrase?

4 Q. You told me that your sister relayed to you  
5 and your mom that she had talked to an employee of  
6 the school, who you believe she referred to as an  
7 aide about it, but was she any more specific about  
8 that conversation?

9 A. She was not specific about the  
10 conversation. She was more emotionally focused in  
11 talking about the overall situation.

12 Q. Did she convey to you why she was ashamed  
13 to talk about it?

14 A. When she was explaining her feelings she  
15 was ashamed, because this is one of the more well  
16 known boys and there were already rumors and there  
17 was a social implication within the school itself  
18 that put her down in regard to the situation that,  
19 you know, puts a lot of pressure on a kid her age.

20 Q. When she said that there were rumors  
21 already, do you know what she was referring to?

22 A. I did not ask her specifics.

23 Q. And what's the age difference between you  
24 and your sister in regards to years?

1 A. Nine years.

2 Q. Would I be correct that when this happened  
3 when she was in sixth grade you were older, so you  
4 didn't have mutual friends that you could ask her  
5 peers what she was referring to?

6 A. You would be correct.

7 Q. And when she was in sixth grade, am I  
8 correct you were already out of high school?

9 A. I would have to do the math. I do not  
10 recall.

11 Q. You graduated in 2012, correct?

12 A. Yes.

13 Q. And if she was in sixth grade in 2014 you  
14 would have already been graduated?

15 A. Yes.

16 Q. When [REDACTED] conveyed this information and  
17 these emotions to you and your mom what, if  
18 anything, did the two of you do?

19 A. We just tried to support her. She had  
20 become secluded. She had withdrawn into herself.  
21 She was not the same child that she -- she wasn't  
22 the same sister I grew up with.

23 Q. And how did she manifest that, if you could  
24 be more specific?



1 A. Prior to the incident, [REDACTED] was very  
2 empathetic, very outgoing, very bubbly, very eager  
3 to help, very -- just excited about life. Shortly  
4 before she had talked to -- or had a conversation  
5 including me about the incident she had become more  
6 quiet and withdrawn and was more likely to isolate  
7 herself in her room than to come out with me when  
8 she was done her homework. She was very anxious.  
9 She did not like being confined.

10 Q. When you say she didn't like being  
11 confined, what are you referring to?

12 A. She likes to be in an area where if she  
13 needs to remove herself from a situation there is an  
14 easily accessible out.

15 Q. Shortly before she relayed the incident and  
16 you noticed these behavior changes, did you try to  
17 talk to her about the notices in her behavior?

18 A. Yes.

19 Q. And what, if anything, would she say in  
20 response?

21 A. She would shut down.

22 Q. And when you say shut down, she wouldn't be  
23 able to verbalize a response?

24 A. To clarify, prior to the incident, there

1 was nothing we wouldn't talk about from our opinion  
2 of, you know, if dad was being a butt head or, you  
3 know, if something fun happened at school, we would  
4 always be able to talk about any of that. She was  
5 invested in my personal life, wanted to know what  
6 was going on. When I refer to her being shut down,  
7 she was noncommunicative. She didn't want to talk.  
8 She didn't want to be around anyone. She became  
9 more introverted, I believe the word is.

10 Q. Okay. And when you tried to talk to her  
11 she would not respond; would that be fair from what  
12 you're telling me?

13 A. Correct.

14 Q. And to your knowledge, did your mother also  
15 try to talk to her about her behavior changes before  
16 you learned about the incident involving [REDACTED]

17 A. Absolutely.

18 Q. And what, if anything, did she relate to  
19 your mother, if you know?

20 A. I do not know what took place -- let me  
21 rephrase. I do not know the specifics of what  
22 [REDACTED] talked to mom about.

23 Q. After she relayed what had occurred and you  
24 and your mom tried to emotionally support her and

1     tried to sway her from having these feelings that  
2     you relayed to me, did you see any change, did it  
3     get worse, did it get better?

4     A.           From when we -- can you --

5     Q.           From originally her explaining what had  
6     occurred with [REDACTED] and the inappropriate touching,  
7     once that was out in the open and you indicated that  
8     you tried to support her by, I assume, telling her  
9     she shouldn't have these feelings, she shouldn't be  
10    ashamed and that type of thing; would I be correct?

11    A.           Along those lines, correct.

12    Q.           After it was out in the open, at any period  
13    of time did her behavior get worse, get better, stay  
14    the same?

15    A.           I'm just trying to figure out the right way  
16    to say this.

17    Q.           Sure. Take your time.

18    A.           Even after the conversation was had there  
19    was no positive changes, though I can't gauge  
20    whether it was worse than it already was.

21    Q.           Are you aware that after sixth grade when  
22    she was going to seventh grade she didn't go to  
23    Penndale, that she went to Pennbrook?

24    A.           I am aware.

1 Q. And prior to her going to Pennbrook, were  
2 you involved in any family discussions of her not  
3 going to Penndale specifically to avoid the boy,

4 [REDACTED] [REDACTED]

5 A. I was aware of, but not a part of those  
6 conversations.

7 Q. Once she went to Pennbrook, did you see any  
8 change in her demeanor?

9 A. From the change in location?

10 Q. Yes. Because of [REDACTED] [REDACTED] not being at  
11 that school, did her isolation improve at all, did  
12 her self-confidence improve at all?

13 A. No. She became -- it was hard for her to  
14 trust new people to make friends. She felt as if no  
15 one would be able to understand her. She had a hard  
16 time with, you know, putting herself out there  
17 socially. I mean she was perpetually anxious, what  
18 if I said the wrong thing, what if I do the wrong  
19 thing, what if they don't like me.

20 Q. And did you know those things because you  
21 and her discussed it?

22 A. Yes.

23 Q. When she would say that she was afraid she  
24 would do the wrong thing or they wouldn't think --



1 they wouldn't get her or understand her what, if  
2 anything, would you say to her?

3 A. In conversations where I would try to help  
4 her validate her feelings and understand that, you  
5 know, she has a lot to offer and that she shouldn't  
6 be afraid to be herself. She shouldn't be afraid to  
7 try to build that new support system.

8 Q. At some point in time, were you aware that  
9 your sister got involved in horsing, maintaining a  
10 horse?

11 A. Horseback riding lessons to clarify.

12 Q. Well, she told me that there was leasing of  
13 the horse, so that she had part ownership in it and  
14 she would care for the horse in the barn as well as  
15 ride it?

16 A. Yes. I was aware she was partaking and  
17 competing in equestrian events.

18 Q. I didn't know about her participating in  
19 equestrian events; what type of events was she  
20 doing, like jumping and that type of thing?

21 A. I don't have a lot of detail in regards to  
22 her horseback riding. I wasn't that interested.  
23 They smell to me. So I don't really have much input  
24 on that. I know that she was good at what she was

1     doing.

2     Q.           Would I be correct that you never went to  
3     the stables with her and observed her interact with  
4     the horse, be it riding or caring for the horse?

5     A.           I have gone with her several times. I just  
6     was not an every lesson participant. I would still  
7     go to be there for her and help work the snack stand  
8     or help with the cost of leasing the horse.

9     Q.           When she was spending time at the stable  
10    did she seem to have a better demeanor?

11    A.           Even when [REDACTED] was participating in  
12    horseback riding she had her good days and she had  
13    her bad days. There was no consistent positive  
14    impact on her overall mood or disposition.

15    Q.           When she completed seventh grade and went  
16    into eighth grade did her demeanor remain the same?

17    A.           She retained a consistent level of low  
18    self-esteem and anxiety for most of her, if not all,  
19    of her post elementary school time.

20    Q.           Were you aware in the ninth grade that your  
21    sister was going to attend not only Pennbrook, but  
22    also North Montco?

23    A.           Yes.

24    Q.           And before she went to North Montco, do you

1 know whether she was excited to do that and to take  
2 automotive classes?

3 A. I believe she was.

4 Q. After she went to North Montco, did you  
5 learn that [REDACTED] [REDACTED] was also at North Montco?

6 A. Yes.

7 Q. And how did you learn that?

8 A. Because [REDACTED] came home from school, she  
9 would come up to my room on the third floor and she  
10 would have very distressed moments of trying to cope  
11 and trying to figure out how to deal with this  
12 environment.

13 Q. And when you say she had difficult moments  
14 trying to cope and trying to figure out how to deal  
15 with her environment, was that an environment where  
16 she was going to school where she could run into  
17 [REDACTED] [REDACTED]

18 A. Yes.

19 Q. When it was learned that [REDACTED] [REDACTED] was  
20 also at North Montco, were you aware of your mother  
21 going to both North Montco and North Penn School  
22 District to try to see if [REDACTED] [REDACTED] could not go  
23 to that school so that [REDACTED] wouldn't have to deal  
24 with that?

1 A. I am aware that she made contact with the  
2 district and also with the tech school. I was not  
3 part of the conversations. I'm not sure exactly  
4 what was said or what plan they were hoping to set.

5 Q. Were you aware that after learning of  
6 [REDACTED] [REDACTED] being at North Montco in ninth grade  
7 that your mom decided it was best for your sister to  
8 attend North Montco on a full-time basis as opposed  
9 to also attending Pennbrook?

10 MS. LAUGHLIN: Object to the  
11 form, but you can answer.

12 THE WITNESS: Yes, I was aware.

13 BY MS. JORDAN:

14 Q. Did that seem to improve [REDACTED]  
15 disposition in any way?

16 A. I don't recall specifically the -- that  
17 particular transition.

18 Q. When she would come up to your room when  
19 she would come home from school and would be having  
20 a bad day where she was having difficulty coping,  
21 would she advise you that she had seen [REDACTED] in  
22 school or was there nothing in particular that was  
23 triggering that interaction where she would relay  
24 those feelings?



1 A. The days where she would come up to me are  
2 the days that she had crossed paths. Those were the  
3 days where she had difficulty catching her breath,  
4 would go for extended periods of time just crying in  
5 my room and trying to, you know, calm down and cope  
6 and just that overall she was sad.

7 Q. Did she ever indicate that she had fear of  
8 running into [REDACTED] in school?

9 A. Yes.

10 Q. And did she ever tell you what she was  
11 afraid of could happen?

12 A. She was afraid the incidents that had  
13 occurred before would happen. She was afraid of  
14 being within arm's reach.

15 Q. Did there come a point in time when your  
16 sister was in tenth grade that you learned that the  
17 behavior of [REDACTED] had returned and he was  
18 inappropriately touching her again?

19 A. Yes.

20 Q. How did you learn that?

21 A. From when [REDACTED] came to talk to me again.

22 Q. Do you recall when she came to talk to you  
23 in regard to a timeframe?

24 A. I don't specifically recall timeframes.

1 Q. And what did she tell you?

2 A. Once I eventually got her to calm down, she  
3 was distraught to the point of throwing up, so we  
4 were back and forth between my room and the  
5 bathroom. All she kept saying is that it happened  
6 again.

7 Q. And when she said it happened again did you  
8 know what she was referring to?

9 A. Yes.

10 Q. And what did you say in response, if  
11 anything?

12 A. I tried to hug her. I tried to support  
13 her. I tried to be there as best as I could. I  
14 didn't know how to help.

15 Q. When she told you this, do you know if your  
16 mother knew as well that the behavior had happened  
17 again?

18 A. I can't be certain, but I believe so.

19 Q. Was your sister any more specific in regard  
20 to what had occurred?

21 A. She told me that he stuck his hand down her  
22 pants. She told me that, you know, he was groping  
23 her on her chest. I know it happened more than once  
24 from what she told me. I can't remember specific

1 phrasing, but that was the conversation that was  
2 had.

3 Q. After you learned that it had occurred  
4 again, what is your understanding of what then  
5 happened in regard to her attendance at school, if  
6 you know?

7 A. Can you restate?

8 Q. Sure. When this happened your sister was  
9 attending the high school as well as North Montco;  
10 would you agree with that, if you know?

11 A. I don't know.

12 Q. Okay. And I was asking after it was  
13 learned that the behavior happened again involving  
14 [REDACTED] whether you know if her schooling changed in  
15 any way?

16 A. I cannot recall.

17 Q. What did you observe regarding your sister  
18 after you learned that incidents with [REDACTED] [REDACTED]  
19 had occurred again?

20 A. Well, [REDACTED] became more depressed and  
21 expressed that she didn't know if she could do it  
22 anymore and told me she thought of killing herself  
23 and she would have panic attacks where she couldn't  
24 breathe. She would remove herself from even family

1 dinners. I remember that she was using self-harm as  
2 a coping mechanism to try to externalize however she  
3 was feeling.

4 Q. When did you learn that she was  
5 self-harming in relation to learning about [REDACTED]  
6 [REDACTED]'s behavior starting again, if you remember?

7 A. I don't remember.

8 Q. When you learned that she was self-harming  
9 what, if anything, did you do?

10 A. I know that I talked to mom about it. I  
11 know that there would be nights where she wouldn't  
12 be down at dinner and I would go up to check her  
13 room to make sure that she didn't have any knives or  
14 razors or Tylenol. We kept all of that above the  
15 sink in the kitchen. We would do a quick sweep so  
16 that she wouldn't notice that we were doing it. We  
17 tried to communicate. We tried to keep that open  
18 forum. That's what I recall right now.

19 Q. When she told you that she wasn't sure if  
20 she could continue to do it and she conveyed to you  
21 that she thought about ending her life what, if  
22 anything, did you do or say?

23 A. Again, I know I had talked to my mom. I  
24 tried to reassure her. I tried to tell her that it



1 gets better. I tried to tell her that, you know,  
2 she was important and valid and that we need her.

3 Q. During this period of time, do you know if  
4 your sister received any professional help, like  
5 psychiatrically or through a psychologist?

6 A. I can't remember.

7 MS. LAUGHLIN: Do you want to  
8 take a few minutes?

9 THE WITNESS: Yeah.

10 MS. JORDAN: Take your time.

11 (At this time, a short break was  
12 taken.)

13 BY MS. JORDAN:

14 Q. Are you aware that your sister did attend  
15 school through the 12th grade and that she graduated  
16 as scheduled?

17 A. Yes.

18 Q. In regard to seeing anyone, are you aware  
19 of her seeing a psychologist, Tracy Miller?

20 A. I don't remember.

21 Q. Do you recall a point in 2018, in August of  
22 2018, which would have been during the summer, that  
23 [REDACTED] came and stayed with you to provide a break  
24 from her parents?

1 A. I recall a period where [REDACTED] lived with  
2 me, yes.

3 Q. Do you recall after COVID shutdown that she  
4 lived with you for approximately six months, she  
5 said; do you agree with that?

6 A. Yes.

7 Q. And was that also to get relief from her  
8 parents?

9 A. No.

10 Q. What is your understanding of why she came  
11 to live with you during the shutdown of COVID?

12 A. My experience with why she had to come stay  
13 with me was to get out of the environment for a  
14 fresh start. For her, my house is a calm place. It  
15 is a safe place. We play. We do whatever we want.  
16 You know, there's more quality time and she gets to  
17 hang out with her nephew, which she likes to do, and  
18 I needed help just as much as she did. I needed  
19 somebody to keep me company so I wasn't going stir  
20 crazy. It was hard getting laid off thanks to this  
21 pandemic and it was nice to have her with me for a  
22 while.

23 Q. Do you recall [REDACTED] through her  
24 psychologist, Ms. Miller, indicating that she felt

1 threatened at home by your mom of physical violence  
2 and social services were called?

3 A. I am aware that social services were  
4 called.

5 Q. When that occurred did she come and stay  
6 with you for any period of time?

7 A. I don't remember the sequence.

8 Q. Do you recall talking to go her about that  
9 incident?

10 A. I do remember talking to her about them  
11 being called.

12 Q. Do you have any recollection as to why she  
13 felt threatened?

14 A. I'm just trying to gather my thoughts.

15 Q. Oh, sure. Take your time.

16 A. I don't remember specifics. I remember she  
17 was frustrated that they were called.

18 Q. When you say she was frustrated they were  
19 called, they you're referring to was social  
20 services?

21 A. Yes.

22 Q. Do you know if there was any investigation  
23 by social services because they were called?

24 A. I'm not privy. I'm not sure.

1 Q. And whether she stayed at your home  
2 following that or not, you don't have a recollection  
3 of that; would that be accurate?

4 A. I recall that mom suggested that if [REDACTED]  
5 wanted to come sleep over with me for a weekend she  
6 could. And I remember from there that [REDACTED] and I  
7 had a conversation and it was the summertime, she  
8 didn't have obligations and from there it just kind  
9 of turned into an extended vacation. I specifically  
10 remember saying maybe some sister time would do her  
11 some good, because that's what we call it.

12 Q. And did you see any improvement following  
13 the sister time you just talked about?

14 A. No. I wish. I got to see more of her  
15 anxiety, where she could be having a great day and  
16 something would bring her to an emotional spot where  
17 her anxiety would flare up and she couldn't catch  
18 her breath or she would need to step outside for a  
19 minute to collect herself and just get some fresh  
20 air, even if she was doing something she wanted to  
21 do and over a period of time I watched her lose  
22 interest in activities that normally she would spend  
23 hours doing, playing a particular video game or a  
24 change in her routine that wouldn't necessarily be



1 her standard. She was sleeping less. She was  
2 eating less. I don't recall an improvement.

3 Q. And did that same behavior continue when  
4 she was staying with you during the pandemic?

5 A. Yes.

6 Q. How often do you see [REDACTED] currently?

7 A. We Facetime and Snapchat all the time.

8 Q. Is that every day?

9 A. I wouldn't say every day, but at least  
10 twice a week.

11 Q. And not being savvy to how Snapchat works,  
12 is it just like using the Facetime?

13 A. Correct. However, it's also used to send  
14 selfies or still images with fun little stickers and  
15 stuff.

16 Q. And my understanding with Snapchat when  
17 you're not Facetimeing, you send it and it kind of  
18 disappears after a certain period of time?

19 A. It has that capability, but it doesn't have  
20 to remain that setting, correct.

21 Q. And then when you Facetime through Snapchat  
22 you can Facetime as long as you want; would that be  
23 correct?

24 A. Correct.

1 Q. And so you can see each other just like if  
2 you were using the Facetime app?

3 A. Correct. We used Snapchat because I took a  
4 Facebook hiatus and she has an android, so I can't  
5 Facetime her.

6 Q. So because you have two different phones,  
7 hers being an android Snapchat allows you to  
8 Facetime when she doesn't have an iPhone?

9 A. Correct.

10 Q. So if I understand your testimony, you  
11 don't believe your sister has improved emotionally  
12 at all; would that be accurate?

13 A. Can you clarify the question? Is it during  
14 a specific period of time or is it --

15 Q. I mean up until today?

16 A. Up until today?

17 Q. Yes.

18 A. The only change that I have seen with my  
19 sister is that she's more open to discussion.

20 Q. And when did you begin to see that change?

21 A. Like a month and a half ago.

22 Q. Was there any triggering event that you  
23 believe allowed for her to become more open?

24 A. No. I think it was time. I think she felt

1 comfortable enough in the fact that we weren't here  
2 to judge or not. She knows that, you know, we can  
3 relate and we care. And she finally got to the  
4 point where she was able to talk about these  
5 situations without having her anxiety attacks.

6 Q. Your sister told me that she has been  
7 dating a guy named Nick since, I believe, ninth  
8 grade; do you know Nick?

9 A. I do know Nick.

10 Q. And do you believe Nick is good for your  
11 sister?

12 A. Yes.

13 Q. Do you believe that he helps her not to be  
14 anxious?

15 A. I believe he offers support the best way he  
16 can. I do know that she has difficulty even sitting  
17 too close to him sometimes. She will be over my  
18 house -- and they'll both come over, because Tyler  
19 and Nick get along well. Nick works on cars for a  
20 living. Tyler used to be a mechanic, so -- you  
21 know, we enjoy having that time together. And there  
22 will be nights where she can't sit on the same edge  
23 of the couch as him or he's not allowed to hug her  
24 goodbye. She won't even let me hug her sometimes,

1 and that sucks.

2 Q. Do you know why?

3 A. She doesn't like physical contact. She  
4 used to be very clingy and very lovey dovey and I'd  
5 wake up on a Saturday morning to her face in my face  
6 at like 6:00 a.m.

7 Q. When did you see a change in her from being  
8 clingy and lovey dovey to not liking physical  
9 contact?

10 A. Back to elementary school. I don't  
11 specifically remember exactly when. I just remember  
12 missing my pain in the butt every Saturday morning.

13 Q. And do you believe that change in going  
14 from a clingy, lovey dovey person to not liking  
15 physical contact being directly related to the  
16 [REDACTED] incident?

17 A. Yes.

18 Q. Your sister told me that she works for your  
19 stepfather and that she likes her job; did she relay  
20 that to you?

21 A. Correct, yes.

22 Q. Have you seen any improvement in her since  
23 she's working for your stepdad?

24 A. She has her good and bad days. I feel that



1     it's easier for her to work with dad, because it's a  
2     comfort level. In previous jobs, like when she was  
3     -- I think she was trying to help out more  
4     independently at a tea shop and she doesn't do well  
5     with authority. She doesn't -- she would encounter  
6     situations with a customer that would be a trigger  
7     or they would say something or somebody would sound  
8     familiar and she would need to step away from the  
9     situation and I know she had a hard time talking to  
10    her boss about it, because, you know, no help had  
11    come for her before.

12   Q.           Do you believe that your sister would  
13   benefit from talking to a counselor of some kind?

14   A.           I think everyone would benefit from talking  
15   to a therapist.

16   Q.           And when you say that, do you believe that  
17   family therapy or that anyone can be helped by  
18   talking to a counselor?

19   A.           I believe anyone can be helped to have more  
20   of a self-awareness and learn what coping mechanisms  
21   work best for you.

22   Q.           Okay. I wasn't sure what you meant by your  
23   answer. Thank you.

24   A.           Yes, overall as an opinion.

1 Q. Do you still have concern that your sister  
2 could self-harm again?

3 A. I don't know.

4 Q. Have you broached the subject with her?

5 A. I have not specifically talked about  
6 self-harm with her in quite some time, but I do know  
7 that even when she didn't want to go to North Penn  
8 to graduate. She wanted to get her diploma in the  
9 mail. She had a hard even envisioning that she had  
10 a future, because she didn't see one for herself.  
11 She didn't know what she wanted to do when she grew  
12 up. She didn't know if she wanted to go to college  
13 anymore. Even a few months ago I asked her what she  
14 wants to do and she doesn't look to the future.

15 Q. Was there a point in time that she did want  
16 to go to college?

17 A. When she was little.

18 Q. And do you know what she wanted to study  
19 when she went to college?

20 A. She wanted to be a vet. She would try to  
21 teach the dog how to jump over a broom to work on  
22 her animal training skills.

23 Q. You just said that she didn't want to go to  
24 North Penn to graduate, you mean to go to the

1 graduation ceremony?

2 A. To go on the property, correct.

3 Q. And I know from her testimony earlier that  
4 she did go to graduation?

5 A. She did.

6 Q. How did you get her to go to graduation?

7 A. I know that one incentive was that she was  
8 spending the weekend with me following. Nick and  
9 her were coming over to my house. I was taking her  
10 out to Arpeggio for a celebratory dinner. That's  
11 one of her favorite places to go eat. We were going  
12 to have a calm sister weekend and just enjoy being  
13 done.

14 Q. And when you say enjoy being done, enjoy  
15 being done with high school?

16 A. Correct.

17 Q. Did you attend her high school graduation?

18 A. I did.

19 Q. Did she appear to be anxious?

20 A. She wouldn't make eye contact with us. She  
21 didn't want a lot of pictures. Even when she was  
22 walking in the line she was staring at the ground to  
23 file into their seats or to walk up to accept her  
24 diploma. It wasn't very -- she wasn't enthused, if

1     that's the question.

2     Q.           Did she enjoy her sister weekend with you  
3     afterwards?

4     A.           She enjoyed not picking up the bill for  
5     Arpeggio, yes.

6     Q.           And she did indicate to me that she enjoys  
7     spending time with your son?

8     A.           Yes.

9     Q.           So when she has a sister weekend she also  
10    gets to spend time with her nephew as well, correct?

11    A.           Yes. She calls him JJ. That's my son  
12    James.

13    Q.           I have no further questions. I appreciate  
14    your time today. And I know it was difficult for  
15    you to answer my questions. And on a personal  
16    level, I'm sorry if I caused you any distress.

17    A.           Thank you.

18                   MS. LAUGHLIN: I have no  
19                   questions. You're all done.

20                   Do you need anything from me or  
21                   do you need me to sign anything?

22                   THE COURT REPORTER: No. What  
23                   format would you like?

24                   MS. LAUGHLIN: Electronic is



1 fine.

2 THE COURT REPORTER: Okay. Thank  
3 you.

4 (Witness excused.)

5 (Deposition concluded at  
6 4:13 p.m.)

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## CERTIFICATION

I, James J. Gallagher, Jr.,  
Professional Court Reporter and Notary  
Public, do hereby certify that the  
foregoing is a true and accurate transcript  
of the stenographic notes taken by me in  
the aforementioned matter.

- - -

DATE:

James J. Gallagher, Jr.

Court Reporter

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION NO. 2:20-CV06142

- - - - -  
JANE DOE, )  
Plaintiff, )  
-vs- )  
NORTH PENN SCHOOL DISTRICT, )  
Defendant. )

- - -  
July 26, 2021  
- - -

Remote Deposition via Zoom of WILLIAM  
BOWEN, conducted at the location of the witness,  
taken before Stephanie LaForte, a Professional Court  
Reporter and Notary Public, on the above date,  
commencing at 10:02 a.m., there being present:

- - -  
GOLKOW LITIGATION SERVICES  
877.370.3377 ph/917.591.5672 fax  
deps@golkow.com

1   A P P E A R A N C E S:

2

FREIWALD LAW, P.C.

3   BY: LAURA E. LAUGHLIN, ESQUIRE

1500 Walnut Street, Suite 1801

4   Philadelphia, Pennsylvania 19102

(215) 875-8000

5   CD@freiwaldlaw.com

Counsel for Plaintiff

6

7

LAW OFFICES OF HENDRZAK & LLOYD

8   BY: MAUREEN JORDAN, ESQUIRE

3701 Corporate Parkway

9   Center Valley, Pennsylvania 18034

(610) 709-8744

10   Maureen.Jordan@Zurichna.com

Counsel for Defendant

11       North Penn School District

12

13   SWEET STEVENS KATZ & WILLIAMS

BY: KYLE SOMERS, ESQUIRE

14   331 East Butler Avenue

New Britain, Pennsylvania 18901

15   (215) 345-9111

Co-Counsel for Defendant

16       North Penn School District

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By:	Ms. Laughlin	6
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(It is agreed by and among Counsel for the respective parties that the reading, signing, sealing, filing and certification are hereby waived, and all objections, except as to the form of the question, are reserved until the time of trial.)

- - -

WILLIAM BOWEN, after having been first duly sworn, was examined and testified as follows:

- - -

THE COURT REPORTER: All parties to this deposition are appearing remotely and have agreed to the witness being sworn in remotely. Due to the nature of remote reporting, please pause briefly before speaking to ensure all parties are heard completely.

Counsel, please state your appearance.

MS. LAUGHLIN: Good morning. Laura Laughlin, on behalf of the Plaintiff, Jane

1 Doe.

2 MS. JORDAN: Maureen Jordan for the  
3 Defendant.

4 MR. SOMERS: Kyle Somers, also for  
5 Defendant.

6 - - -

7 E X A M I N A T I O N

8 - - -

9 BY MS. LAUGHLIN:

10 Q. Good morning, Mr. Bowen. My name is  
11 Laura Laughlin. As I stated before we got on the  
12 record, I represent the Plaintiff, Jane Doe in this  
13 case, which is a case brought against the North Penn  
14 School District.

15 You are here to give a deposition  
16 today, so, before we start I am gonna go over some  
17 ground rules to make things go a little smoother  
18 today, minus the technical difficulties that  
19 sometimes goes along with Zoom.

20 Have you given a deposition before?

21 A. No.

22 Q. Did you say no?

23 A. Yes. I said no.

24 Q. Okay. So, I am gonna go over a few

1 rules. It's a bit different, even though it may  
2 feel like a conversation, back and forth, because we  
3 have a court reporter here taking down everything  
4 that is said, so there's a few rules that we will  
5 have to follow to make it go a little easier; okay?

6 A. Yes.

7 Q. One of the first things, you are doing  
8 great so far, is when I ask a question it may be  
9 normal to nod your head or shake your head, but all  
10 your answers will have to be verbal so that the  
11 court reporter can take that down; okay?

12 A. Yes.

13 Q. You may also anticipate or think you  
14 know where I am going with my question and start to  
15 answer before I am finished, but I would ask that  
16 you wait until I am done before you start your  
17 answer and I will try to do the same. If you aren't  
18 done answering and I start asking another question,  
19 just let me know and I will let you finish.

20 A. Okay.

21 Q. If there is any question that I ask  
22 that you are not sure what I am asking, just let me  
23 know and I will try to rephrase it.

24 A. Okay.

1           Q.     If you answer the question we are all  
2 gonna assume that you understood it since I gave you  
3 that instruction.

4           A.     Yes.

5           Q.     If there is any reason today you need  
6 to take a break, just let me know and you can do  
7 so. I would just ask that if there is a question  
8 pending, that you answer the question before you  
9 take your break.

10          A.     Okay.

11          Q.     I am gonna be asking you about some  
12 conversations that you had, whether it was to a  
13 colleague, teacher, student, family. If I am asking  
14 you about conversations I am not trying to ask you  
15 about conversations you may have had with your  
16 counsel; okay?

17          A.     Okay.

18          Q.     Let me see. There is one other. Some  
19 of the events we are gonna be talking about happened  
20 several years ago, specifically the 2014 to 2015  
21 school year, so you may not remember certain things  
22 that I ask you. If you don't remember that is fine  
23 you can say you don't remember, but I don't want you  
24 to guess at anything; all right?



1           A.     Okay.

2           Q.     It is fair if you need to estimate or  
3     give me an estimate of something, that's okay to  
4     answer in that way.

5           A.     That is fine.

6           Q.     Okay.  So, are you currently the  
7     Principal of the Gwynedd Elementary School?

8           A.     No, I am not.

9           Q.     What do you do now for a living?

10          A.     I am the Principal at Gwynedd -- Excuse  
11     me.  At General Nash Elementary School.  Still in  
12     the North Penn School District.

13          Q.     How long have you held that position?

14          A.     Two years.

15          Q.     Before you held the position -- What  
16     was the name of the school again?

17          A.     General Nash Elementary School.

18          Q.     Before you were at General Nash for  
19     those two years did you come from being a Principal  
20     at Gwynedd Square Elementary?

21          A.     Yes.

22          Q.     Why did you leave to go to General  
23     Nash?

24          A.     The district had reorganized and

1 several principals were moved, I was one of them.

2 Q. Okay. How does the district, if you  
3 know -- I guess one other question I should have  
4 asked you. I may ask a question that you don't know  
5 the answer to, that is a fine answer if you don't  
6 know. I am not sure what you know or don't know, so  
7 I have to ask.

8 (Ms. Jordan was dropped from Zoom and has rejoined)

9 BY MS. LAUGHLIN:

10 Q. Do you happen to know, Mr. Bowen, does  
11 the district, like, every so many years do, kind of,  
12 a shake up and move people around or what was the  
13 reason that you were doing that two years ago?

14 A. The district has done this on another  
15 occasion since I have been here. So, every few  
16 years they move administrators around. How that  
17 occurs, I don't know.

18 Q. You said before you moved two years ago  
19 you had still been the Principal at Gwynedd Square?

20 A. Correct.

21 Q. When did you become the Principal at  
22 Gwynedd Square?

23 A. The 2003 school year. 2003-2004.

24 Q. Did you stay from 2003 to 2004 all the

1 way up through two years ago at Gwynedd Square?

2 A. Yes.

3 Q. So, I want to kind of go back and talk  
4 a little bit about your education and experience  
5 before becoming the Principal at Gwynedd Square.

6 A. Okay.

7 Q. Where did you go to college?

8 A. Undergraduate at Kutztown University  
9 Graduate School Lehigh University.

10 Q. What did you study at Kutztown?

11 A. Elementary education at Kutztown and  
12 educational leadership at Lehigh University.

13 Q. Was that, like, a Master's degree?

14 A. Yes, Master's degree at Lehigh.

15 Q. When did you graduate from Kutztown?

16 A. Graduated from Kutztown in 1997.

17 Q. What about from Lehigh?

18 A. Lehigh, I believe -- Oh, now you are  
19 asking me. I want to say 2000.

20 Q. Was it a three-year program at Lehigh?

21 A. It was -- I did it in two years.

22 Q. Okay. Did you take a year off after  
23 Kutztown before you went to grad school?

24 A. Yes.

1           Q.     What did you do for that year, that gap  
2     year?

3           A.     I was a teacher.  So, if I graduated  
4     Kutztown in '97 -- Actually, it would be '92 I  
5     graduated from Lehigh.  My apologies.

6           Q.     That is okay.

7           A.     Because it is five years to get  
8     Principal in Pennsylvania, you must teach five  
9     years, and I taught five years.

10          Q.     So, were you teaching while you were in  
11     grad school then?

12          A.     Yes.

13          Q.     I became Principal -- I apologize.  I  
14     became Principal in North Penn in 2013.

15          Q.     Oh, okay.  So, from 2013 to, like,  
16     2019?

17          A.     Correct.

18          Q.     Does that sound right?

19          A.     Yes.

20          Q.     What kind of teacher were you for those  
21     five years?

22          A.     Third and fifth grade.

23          Q.     Was it, like, a couple years in third  
24     grade a couple years in fifth grade?

1           A.     It was three years in fifth grade two  
2     years in third grade.

3           Q.     Do you remember the name of the school  
4     you were at?

5           A.     I was at Stetson Middle School, School  
6     District of Philadelphia. I was at Doyle Elementary  
7     in Central Bucks School District and at Springfield  
8     Elementary in the Palisades School District.

9           Q.     Were some of these, like, internships  
10    for grad school or was it during the day you were a  
11    teacher and then you were going to grad school for  
12    two years at night?

13          A.     Correct. I attended classes in the  
14    evening.

15          Q.     Why were you at three separate schools  
16    in those five years?

17          A.     The first year in Philadelphia I taught  
18    in urban district. I wasn't satisfied with that  
19    placement. The second year I taught in Central  
20    Bucks as a long-term sub, and then I went to  
21    Palisades as a tenured teacher. As a contracted  
22    tenure teacher. So, more stability as I moved  
23    through the schools.

24          Q.     Okay. Then you were doing the Lehigh



1 program. Was it at night or something like that or  
2 an online program?

3 A. It was at night in-person.

4 Q. Can you just explain for me what is a  
5 Master's in educational leadership? What does that  
6 program entail?

7 A. It entails graduate courses in  
8 leadership, in management of school districts and  
9 schools in supervision of teachers, it involves an  
10 internship that is part of that that I also  
11 completed.

12 Q. Can you tell me a little bit more about  
13 the internship? Where was it and what kind of  
14 internship was it?

15 A. Sure. The internship was done at  
16 elementary school. I believe it was 180 hours of  
17 practical experience, so, doing different activities  
18 that are related to the principalship, in addition  
19 to my teaching responsibilities. So, I would use my  
20 prep period, evening after hours, things like that  
21 to do different tasks that the Principal would  
22 assign me.

23 Q. At this point when you are going  
24 through this graduate program did you know that you

1     wanted to be a Principal?

2             A.     Yes.

3             Q.     Do you keep, like, a CV or resume?

4             A.     Yes.

5             Q.     I would ask, I don't think I have a  
6     copy of that, I would ask that you provide that to  
7     your counsel, Ms. Jordan --

8             A.     Sure.

9             Q.     -- after this deposition?

10            A.     Yep.  Not a problem.

11            Q.     After you graduated in 2002 what did  
12     you do between 2002 and 2013, if you can kind of  
13     take me through?

14            A.     Sure. I was an elementary assistant  
15     school Principal in the Pleasant Valley School  
16     District for 1 year, that would have been 2002-2003  
17     where I was in a K to 3 elementary school of  
18     approximately 1,200 students, and then from 2003  
19     until 2013 I was the Principal of Schnecksville  
20     Elementary School in the Parkland School District.

21            Q.     Then in 2013 you applied to the  
22     Principal position at Gwynedd Square North Penn  
23     School District?

24            A.     Correct.

1           Q.     Before you went to college, or during  
2 college, did you spend any time in the military?

3           A.     Yes.

4           Q.     Can you tell me a bit about your  
5 military career?

6           A.     I entered the military in July of  
7 1989. Completed basic training and military police  
8 school, and I was stationed at Fort Carson,  
9 Colorado, where I served as a military police  
10 officer.

11          Q.     Were you in the Army?

12          A.     Yes, Army.

13          Q.     Honorably discharged?

14          A.     Yes.

15          Q.     While you were working as a Principal  
16 for Gwynedd Elementary who was your actual employer?

17          A.     North Penn School District.

18          Q.     In the course of your educational  
19 career, what I mean by that is, when you were  
20 serving as teacher, assistant Principal, Principal  
21 have you ever had any disciplinary issues or  
22 actions?

23          A.     No.

24          Q.     In your employment with North Penn

1 School District, I understand that you were the  
2 Principal for a number of years at Gwynedd. Was  
3 there a type of hierarchy, if you are Principal of  
4 the school, going upward in the school district?

5 A. Yes, there is.

6 Q. Can you tell me about that?

7 A. Sure. My immediate supervisor is Dr.  
8 Betty Santoro. She is the current Director of  
9 Elementary Education for four more days until her  
10 retirement, and then above her was the Assistant  
11 Superintendent, Dr. Diane Holben, who has since  
12 retired from the District, and above her, obviously,  
13 is the superintendent, Dr. Kirk Dietrich, who is  
14 still the superintendent.

15 Q. What about going downward, if you are  
16 the Principal, was there an assistant Principal at  
17 Gwynedd?

18 A. No.

19 Q. Was there any type of, like, downward,  
20 you know, organizational structure when you were,  
21 kind of, the leader of that school?

22 A. I was the leader of the school, just  
23 me.

24 Q. So, it is safe to say as Principal

1 with, kind of, nobody directly under you other than  
2 teachers, you know, teaching assistants, things like  
3 that, are you responsible for what happens at  
4 Gwynedd Square Elementary School as your school?

5 A. Yes. I assume since you are using  
6 present tense we are just referring to my time at  
7 the school, right?

8 Q. Right?

9 A. Because I am no longer there.

10 Q. Yeah.

11 A. I just wanted to make sure.

12 Q. Yeah. You are no longer the Principal  
13 there so I wouldn't think you are still responsible  
14 for what happens now.

15 A. Yeah. No problem. I just want to get  
16 our tenses correct.

17 Q. I appreciate you clarifying.

18 A. No problem.

19 Q. It is probably good for me to just give  
20 another instruction. The things I am talking about  
21 or things we will be talking about in the deposition  
22 happened in 2014-2015. So, when I am asking you  
23 about your education, your training, I am really  
24 talking about, like, at that time frame, what did



1     you know. If it is different than today then please  
2     let me know so we can distinguish those two things.

3             A.     Sure. No problem.

4             Q.     But I appreciate you asking the  
5     clarifying question.

6             A.     Yep.

7             Q.     As part of being Principal at Gwynedd  
8     Square can you tell me about your responsibilities  
9     and your duties as the Principal?

10            A.     They are very broad, so, I mean, you  
11     know, responsible for the supervision and evaluation  
12     of all staff; responsible for the discipline of  
13     students; responsible for the overview of the  
14     delivery of our curriculum, the instruction and the  
15     assessment. So, there is a lot of responsibility  
16     with that position.

17            Q.     When you say supervising and evaluating  
18     the staff, do you mean the teachers and teachers'  
19     assistants working at the school?

20            A.     Yes.

21            Q.     The discipline of the student, meaning  
22     if a student were to get in trouble at the school,  
23     that would be your responsibility to determine what  
24     discipline would be appropriate for the student?

1           A.     Correct.

2           Q.     Is that something that as Principal you  
3 do on your own or do you need to go up the hierarchy  
4 to discipline students?

5           A.     There is a School Code of Conduct that  
6 outlines the steps. We do have some professional, I  
7 guess, discretion on, you know, administering any  
8 kind of discipline, because there are ranges in  
9 there. If I -- In some cases I do refer to Dr.  
10 Santoro in discipline matters.

11          Q.     You are talking about the Student Code  
12 of Conduct, kind of, lays out the severity of what  
13 the conduct was and then the recommended steps to be  
14 taken, who needs to be notified; is that right?

15          A.     Yes.

16          Q.     Like for a weapon or something like  
17 that it is an automatic expulsion, I think, for a  
18 year or suspension for a year?

19          A.     Yes.

20          Q.     You also mentioned that you are  
21 responsible for the curriculum and assessment. The  
22 "curriculum" meaning what teachers are teaching in  
23 the classroom?

24          A.     Correct.

1           Q.     When you say "assessment", meaning  
2     assessing each of the teachers to see if they are  
3     living up to the standards that the school would  
4     have in place?

5           A.     That would be part of the supervision  
6     process.  When I mentioned assessment that was  
7     assessment of the students and how they are  
8     performing and understanding the academic material.

9           Q.     What about training the teachers, who  
10    is responsible for that?

11          A.     Me.  I was responsible for that as  
12    well.

13          Q.     Was there certain -- In your time as  
14    Principal at Gwynedd Square were there certain  
15    scheduled trainings that would happen or how did you  
16    do that?

17          A.     The district has a professional  
18    development program that outlines our professional  
19    development calendar.  So, there are certain  
20    district initiatives that we are required to provide  
21    to the teachers.  There are then building based  
22    professional development opportunities that we  
23    develop and deliver to the teachers based upon  
24    building need.  So, there are some annual trainings

1     that the district does ask us to deliver for the  
2     teachers.

3             Q.     You said those are on an annual basis?

4             A.     Some of them are.

5             Q.     Are there some that are more frequent  
6     or less frequent?

7             A.     Yes.

8             Q.     Okay.  Is the training that you are  
9     required to implement at your school brought down by  
10    the District, do you know, is that kept as a record  
11    somewhere?

12            A.     I don't know.  I would imagine our  
13    professional -- Our Curriculum and Professional  
14    Development Department would have that information  
15    if it was kept.

16            Q.     Is there someone that heads that  
17    department, if you know?

18            A.     Right now it is currently Dr. Diana  
19    Waters.  I apologize.  No, it's not.  It's Dr. Pamela  
20    Heart who just took over that department a few days  
21    ago.  We have had some transition.  Previously Dr.  
22    -- At the time of '14-'15 it was Dr. Holben oversaw  
23    Curriculum and Development, who was Assistant  
24    Superintendent at the time.

1 Q. H-O-L-B-E-N?

2 A. Yes, and Director of Curriculum at the  
3 time, Dr. Tony Butz, B-U-T-Z.

4 Q. Do you know whether your teachers at  
5 your school were trained on Title IX?

6 A. I don't recall back at the '14-'15  
7 school year what training was developed or -- I  
8 can't recall if it was given at the time.

9 Q. You kind of paused there. Looked like  
10 you were kind of racking your brain going backwards.

11 Do you know a point that Title IX  
12 training was offered that you can recall?

13 A. No. I cannot recall Title IX. I  
14 cannot recall if it was. I am not saying it wasn't,  
15 I just can't recall it being done.

16 Q. Do you recall in the 2015-'15 school  
17 year your school having a Title IX coordinator?

18 A. At that point, yes, I believe the  
19 District Title IX Coordinator at that time --

20 We should have had a Title IX  
21 coordinator. Who it was at that particular point,  
22 if it was -- at that point it was either Dr. Fran  
23 Carmone (ph) or Dr. Cheryl McCue. Dr. Carmone was  
24 the previous Human Resources Director and then Dr.



1 McCue took over. I think at that point it was  
2 probably Dr. McCue.

3 Q. You just said Human Resources Director?

4 A. Yes.

5 Q. Is that something different than a  
6 Title IX Coordinator?

7 A. No, I believe they were also the Title  
8 IX Coordinator. In our district, until recently, we  
9 did not have an Assistant Director of Human  
10 Resources. So, we had, at that point, our Title IX  
11 Director was also the Human Resource Director.

12 Q. Okay. So, they served both roles?

13 A. Correct. Yes.

14 Q. Do you know whether that information  
15 was provided to parents at your school of who the  
16 Title IX Coordinator was?

17 A. Not to my knowledge, no.

18 Q. Not to your knowledge that it was not  
19 provided?

20 A. Correct. It was not provided.

21 Q. Do you know why?

22 A. No.

23 Q. As Principal, is that something that  
24 you had a responsibility to notify students -- the

1 parents of --

2 A. No.

3 Q. -- of who the Title IX coordinator was  
4 at that time?

5 A. I apologize. No. I was not required  
6 to do that.

7 Q. Is that something that you were trained  
8 on or where does that come from?

9 A. We receive Title IX training from  
10 Mr. Somers, who is on the call, during our, usually  
11 our administrative retreat in the summer or other  
12 professional development meetings we have as  
13 administrators in the District.

14 Q. So, it was during those District  
15 trainings that you were advised that you didn't have  
16 to tell the students or the parents of who the Title  
17 IX Coordinator was?

18 A. No. I was never advised that I did not  
19 have to tell them. I was never advised to tell  
20 parents.

21 Q. Okay. I understand. So, you have, up  
22 to this point, received some Title IX training then  
23 from the District; is that right?

24 A. Correct.

1           Q.     Do you recall about when that started?  
2     Do you know whether in 2014-2015 you had Title IX  
3     training up to that point?

4           A.     I don't recall.

5           Q.     When do you first recall receiving any  
6     kind of Title IX training from the District?

7           A.     I recall a recent training, probably  
8     about a -- Less than a year ago, and then a second  
9     training, probably about three years before that.

10          Q.     Okay.

11          A.     If there was one given during the  
12     '14-'15 school year I do not recall it being given.

13          Q.     Okay.

14          A.     I remember Dr. McCue coming to the  
15     buildings and providing Title IX training on one  
16     occasion, but I cannot recall during what school  
17     year that was.

18          Q.     Do you remember if it was before or  
19     after the 2014-2015 school year?

20          A.     I cannot recall.

21          Q.     This incident that you are talking  
22     about, Dr. McCue coming and providing specific Title  
23     IX training, was it just to Gwynedd Square  
24     Elementary?

1           A.     Yes.  No, it was done to all 13  
2 buildings, but she came to the building and  
3 delivered the training.  It was done in our  
4 library.  Like I said, I remember it being done 1  
5 year.  I cannot recall the year it was done.

6           Q.     You said she came to 13 buildings.  Is  
7 that, like, all of the elementary, middle school,  
8 high school makes up 13 buildings in the District?

9           A.     No, there are 13 elementary.  So, my  
10 understanding is, she was coming to every elementary  
11 and delivering it.  I don't know if she went to high  
12 schools and middle schools.

13          Q.     Do you know whether that was in  
14 writing, power point or handouts or anything?

15          A.     Knowing Dr. McCue, I am sure there was,  
16 but I cannot recall if it was done.

17          Q.     Safe to say if there was handouts or  
18 any type of material provided you don't still have  
19 those?

20          A.     Not to my knowledge.  I would have to  
21 go back and look in files, but I am gonna say  
22 probably not.

23          Q.     Do you know what prompted Dr. McCue to  
24 come to the schools at this one particular time and

1 train everybody?

2 A. No. I don't know.

3 Q. As part of your education, whether it  
4 was at Kutztown or Lehigh or any other education you  
5 have received outside the District, did you learn at  
6 all about Title IX?

7 A. Yes.

8 Q. Can you tell me about where or when or  
9 what capacity?

10 A. Part of that, part of my doctoral --  
11 Excuse me. My Master's program at Lehigh dealt with  
12 Title IX training. Then I know, like I said, North  
13 Penn had provided training on a couple of occasions.

14 Q. Now, when I am asking you these  
15 questions, I am kind of asking in the time  
16 2014-2015, what you knew at that time.

17 A. Okay.

18 Q. What was Title IX at that time? Did  
19 you have an understanding?

20 A. Any kind of sexual discrimination or  
21 anything related to any type of behavior that might  
22 have been viewed as sexual in nature.

23 Q. Okay. Your role under Title IX as a  
24 Principal, did you have a specific role, to your



1 understanding, in terms of Title IX, what you were  
2 supposed to do. What your role was?

3 A. Any incidents reported to us should be  
4 reported to our immediate supervisors, you know, Dr.  
5 Santoro. Obviously Title IX involves discrimination  
6 and anything else related to that as well.

7 Q. Okay. Do you know why at the time it  
8 was required to be reported to Dr. Santoro as  
9 opposed to Frank Carmone or -- I'm sorry. I forgot  
10 the other. Cheryl McCue?

11 A. Dr. McCue was Human Resources at that  
12 time, so at that point she had taken over for Dr.  
13 Carmone. So, you know -- Why was it required?  
14 Honestly, I don't think there was any clear  
15 direction on who to report it to, so anything along  
16 those lines are reported directly to Dr. Santoro.

17 Q. When you say there wasn't clear, like,  
18 lines on who to report it to, meaning there wasn't  
19 any written policy in place at that time to report  
20 to the Title IX Coordinator?

21 A. There was nothing delivered to  
22 principals as to who directly to report to.

23 Q. Okay. Then I would assume since there  
24 is no written policy that you are aware of, there

1     wasn't any training or any, just, policy of going to  
2     them without the writing too; is that true?

3                   MS. JORDAN:  Note my objection to the  
4                   form of the question.  You can answer.

5                   THE WITNESS:  There is District policy,  
6                   there always has been, on Title IX and other  
7                   policies.  So, in that policy, you know, it  
8                   advises us what process to follow.  As far as  
9                   any particular training at that point, I  
10                  don't recall anything being given.

11                  What has been past practice was that we  
12                  always reported our issues to our direct  
13                  supervisor, who at the time was Dr. Santoro.

14  BY MS. LAUGHLIN:

15                  Q.     Do you know, once it is reported to Dr.  
16                  Santoro whether there was a policy or practice of  
17                  who she would report to?  Did she have to report it  
18                  to anybody else, if you know?

19                  A.     I don't know.

20                  Q.     Do you know what sexual harassment is  
21                  under Title IX?

22                  A.     Yes.

23                  Q.     What is it?  I am asking, you know,  
24                  back in 2014-2015 what your understanding was?

1           A.     Any behavior towards an individual that  
2     can be viewed as sexual in nature, that is either  
3     unwarranted or, you know -- that is unwarranted by  
4     that individual.

5           Q.     Did you say unwarranted or unwanted?

6           A.     Either one. Both. I said unwarranted  
7     but, yeah, it is unwanted as well.

8           Q.     Would sexual harassment include  
9     something like a student putting their hand up  
10    another student's shirt?

11          A.     If it was not consensual, yes.

12          Q.     Based on your training up to that  
13    point, and your understanding, is there a certain  
14    age where kids can consent? You mentioned  
15    consensual, that is why I am asking.

16          A.     Mm-hmm. If there is I am not aware of  
17    it.

18          Q.     So, is it your understanding that kids,  
19    just, say, in sixth grade, that they are able to  
20    consent to activity like that or no?

21          A.     Can you rephrase the question for me?

22          Q.     Sure. I am trying to clarify, and I  
23    apologize if my questions are a little bit  
24    confusing.

1                   I was asking you, is there a point in  
2   time where kids are able to consent? Is there a  
3   certain age? You said you didn't think so; is that  
4   right?

5           A.     Yes, as far as, is there an age where a  
6   person can allow someone to go up a shirt. I think  
7   there is a difference between consent and understand  
8   the appropriateness of it. So, I need you to  
9   rephrase the question so I can fully understand it.

10          Q.     I guess, if you are saying you are  
11   distinguishing between consent and understanding the  
12   appropriateness of it, what is the difference of  
13   those two things?

14          A.     So, we are in a school setting, it is  
15   neither inappropriate -- It's not appropriate to do  
16   anything of a sexual nature. If two individuals are  
17   doing something, for instance, kissing in the  
18   hallway, that would be consensual. So, they both  
19   agreed to allow that to happen. So, that is where I  
20   understand the difference to be.

21          Q.     In terms of consent, do you know  
22   whether there is a certain age that kids can consent  
23   to sexual behavior, sexual activity?

24          A.     I am not aware of any particular age of

1     that, no.

2             Q.     In terms of kids in your elementary  
3     school, is it your understanding that kids in that  
4     elementary school can consent in the classroom to  
5     sexual behavior?

6             A.     No.    Like I said, it is never  
7     appropriate for any type of sexual behavior in a  
8     school building.

9             Q.     If sexual harassment is present at  
10    Gwynedd when you were the Principal, do you know  
11    whether you as the Principal have a duty to  
12    investigate?

13            A.     Yes, I do.

14            Q.     What does that entail; your duty to  
15    investigate, what do you have to do?

16            A.     I have to look into the allegations,  
17    find out if they actually happened.   That could  
18    involve interviewing staff of the students and  
19    involving parents in that as well.

20            Q.     Are parents always involved when it  
21    involves an elementary school student?

22            A.     With what type of behavior?   Sexual?

23            Q.     Sexual harassment.   Mm-hmm.

24            A.     Yes.   Any type of sexual behavior I



1 would involve, I personally would involve parents,  
2 yes.

3 Q. When you say you personally would  
4 involve parents, was there any, like, policy of the  
5 District to involve the parents at that time or is  
6 that just something you did independently?

7 A. Something I did independently. So, if  
8 -- Yeah.

9 Q. Did the District at the time not have  
10 any kind of policy that you are aware of of  
11 informing parents if an elementary school student  
12 was involved in some type of sexual harassment  
13 issue?

14 A. I don't recall any kind of policy like  
15 that. Again, that would be something that I would  
16 do as a Principal.

17 Q. Why is it something you would do?

18 A. Because, again, it is inappropriate  
19 behavior in an elementary school.

20 Q. If you are looking into the allegations  
21 and doing the interviews and talking to parents, is  
22 that something you would typically undertake as the  
23 Principal yourself?

24 A. That depends. If it was involving a

1 female student sometimes I might involve the  
2 guidance counselor in that as well, because at the  
3 time at Gwynedd Square, and I currently believe she  
4 still is, it is a female guidance counselor, Kristen  
5 Badgley.

6 Q. Meaning Ms. Badgley would be the 1 to  
7 interview the female student so it's a more  
8 comfortable situation?

9 A. Either interview or she would be  
10 present when I would interview a female student,  
11 yes.

12 Q. At the time, were you familiar with  
13 what a hostile education environment was?

14 A. Formal training, no.

15 Q. You kind of made that distinction. So,  
16 is there an informal understanding that you had?

17 A. Sure. Any environment where someone  
18 feels threatened for their personal safety, yes.

19 Q. Where did you get that informal?

20 A. Just experience through the position.

21 Q. At the time had you received any  
22 training on mandatory reporting?

23 A. Yes.

24 Q. Are there certain times -- Where did

1     you receive that training from?

2             A.     That is District provided. At some  
3     point in there, due to Sandusky at Penn State, it  
4     became mandatory on an annual basis. So, when that  
5     whole transition happened I am not sure, but  
6     mandated reporting is something we received annual  
7     training on.

8             Q.     Back in the 2014-2015 school year and  
9     prior, had you been receiving annual training on  
10    mandatory reporting from the District?

11            A.     I can't recall if it was annual or not.

12            Q.     Was it some other period of time?  
13    Maybe not annually, but do you recall receiving  
14    training from the District on that prior to that  
15    time?

16            A.     I can't recall if I did receive formal  
17    training, so, I am not recalling a specific time or  
18    a meeting or anything like that. I can't recall. I  
19    have received it many, many times throughout, you  
20    know, what, 19 years now as a Principal. So,  
21    recalling that exact year, I can't recall it.  
22    Sorry.

23            Q.     That is okay.

24                    Do you know at the time what your

1 responsibilities were as a mandatory -- I guess let  
2 me ask this.

3 Were you a mandatory reporter at that  
4 time?

5 A. Yes. Always have been.

6 Q. Okay. Do you know what your  
7 responsibilities were in the 2014-2015 school year  
8 as mandatory reporter?

9 A. I think at that point there were a  
10 little -- They weren't as defined as they are now,  
11 so at that point mandatory reporting required us to  
12 notify authorities of any kind of behavior, whether  
13 it be child abuse, sexual in nature, things like  
14 that. Anything we would have on file, reports with  
15 authorities.

16 Q. I want to go into that a little bit  
17 deeper. You said anything child abuse sexual in  
18 nature it would have to be reported to authorities;  
19 right?

20 A. Correct.

21 Q. Are there certain levels, for example,  
22 penetration, that would have to be reported to the  
23 authorities; right?

24 A. Depending on who were -- who was the

1 perpetrator.

2 Q. Can you explain that to me. What do you  
3 mean?

4 A. Obviously if it is an adult, yes. If  
5 it is between two students, not necessarily.

6 Q. Okay. I guess I am talking about the  
7 elementary school context, because that is where you  
8 were.

9 A. Right.

10 Q. So, at the time, your understanding of  
11 the mandatory reporter responsibilities as Gwynedd  
12 Square's Principal is, if there was penetration  
13 between two elementary school students you didn't  
14 necessarily have to report it to the mandatory  
15 reporter line?

16 A. Correct. At that time I would not have  
17 to make a Child Line referral if there was any kind  
18 of penetration or anything along those lines.

19 Q. What did you have -- What were you  
20 required to report at that time?

21 A. Child abuse.

22 Q. Can you define that for me?

23 A. Physical abuse, sexual abuse done by an  
24 adult. As far as anything student to student, I



1 think at that time there was a little discretion  
2 that could be -- that mandated reporters had at that  
3 time.

4 Q. So, student to student it was always  
5 left up to the discretion of the Principal?

6 A. Correct.

7 Q. You are saying at some point that  
8 changed, is that what you were referring to with the  
9 Sandusky times?

10 A. Yeah -- I don't know if that's  
11 necessarily changed, so if today we had a student  
12 that did that, would I be required to call Child  
13 Line, I don't think so, you know, but it is  
14 something that we are more apt to report nowadays as  
15 a result of the changes in the laws from Sandusky.

16 Q. Did you ever give training or provide  
17 training to the staff at Gwynedd Elementary on Title  
18 IX?

19 A. No. Not that I can recall.

20 Q. What about in terms of teachers  
21 reporting, was that something you ever provided  
22 training to your teacher or staff at Gwynedd  
23 Elementary?

24 A. Yes.

1           Q.     Was that prior to the 2014-2015 school  
2     year that you provided training on that?

3           A.     I can't recall specifically if I did it  
4     prior to that or not. It was something that was  
5     reviewed -- I would say it was something we reviewed  
6     annually at our staff meetings when we came back to  
7     school every year. Just a reminder that you are a  
8     mandated reporter and there are responsibilities.  
9     That was always something that was at least  
10    mentioned.

11                I don't know if it always was formal  
12    training on that because some years, you know, it  
13    was part of our requirement as Principal to do  
14    that. So, I can't recall specifically that school  
15    year.

16           Q.     Okay. You talked about mandated  
17    reporting. I guess I want to separate that from the  
18    process, like, internally reporting in your school?

19           A.     Okay.

20           Q.     Did you train on that prior to the  
21    2014-2015 school year?

22           A.     Are you asking if I trained teachers on  
23    reporting incidents to me?

24           Q.     Yes.

1           A.     That was done on an annual basis, yes.

2           Q.     Like when they are coming back to  
3 school?

4           A.     Correct.

5           Q.     Was that something that the District  
6 passed down to you or is this something that you are  
7 implementing in your own school as the Principal?

8           A.     Implementing my own school as the  
9 Principal.

10          Q.     In the 2014-2015 time frame, can you  
11 explain for me what the policy was that you  
12 instituted in the school?

13          A.     At that point we had an Office Referral  
14 Form, so it was a form that teachers would fill out  
15 when there was a behavioral incident that occurred.

16          Q.     Okay. Are these things that the  
17 teachers would keep in their classroom or how would  
18 they get the form?

19          A.     At that point if you had what was  
20 viewed as a minor incident you would document it on  
21 the Office Referral Form, and once you had three of  
22 them on a particular student in a relatively short  
23 time frame then they would be referred to me. If  
24 you had a major incident, that automatically came to

1 me.

2 Q. When you say "relatively short time  
3 frame" is there a time frame that was set?

4 A. There was not a set time frame. That  
5 was left to the teacher's professional judgment  
6 because, you know, if it is something that happened  
7 in October, January and May, they are too far apart  
8 to be more of a consistent basis, but if it was  
9 three times in three weeks then that could be  
10 referred to me.

11 Q. You also mentioned, like, minor  
12 incidents versus major incidents, that major  
13 incidents would directly go to you. Minor incidents  
14 would be kept by the teacher until there was, you  
15 know, several of them or many in a short time  
16 period.

17 What is the difference between a minor  
18 incident and a major incident?

19 A. That also is left up to the teacher's  
20 professional judgment, because in a building of K to  
21 6, what a kindergarten might view as a major or  
22 minor could be completely different to what a sixth  
23 grade teacher would view as major or minor. So,  
24 there was some professional discretion permitted at

1     that time.

2             Q.     Did you provide any training to those  
3     teachers as to what they should filter into the  
4     minor or major incident categories?

5             A.     Yes.

6             Q.     Can you explain that for me, what you  
7     train or teach them?

8             A.     We talked about different models or  
9     different examples of those types of behaviors and  
10    we also did those at grade level meetings so that we  
11    could talk more specifically about the age level of  
12    those students.

13            Q.     Something that was sexual harassment,  
14    is that something that was a minor incident or a  
15    major incident as you are defining them?

16            A.     Anything with the word sex in it would  
17    be viewed as major.

18            Q.     When you say "the word sex" you don't  
19    mean, like --

20                    I guess, what do you mean?

21            A.     Harassment, sexual contact, sexual --  
22    pretty much anything involving anything sexually  
23    related at the elementary level, in my view, would  
24    be viewed as a major offense.



1           Q.     Is that something that you had -- I  
2     know that you said it was kind of left it up to  
3     teacher's discretion, you gave some examples, but it  
4     is really up to them. Is that something that you  
5     had trained the teachers on, that anything involving  
6     sex would be a major incident?

7           A.     I can't recall if I specifically  
8     mentioned anything like that. I think, again,  
9     educators, they receive a lot of training not only  
10    formally through their education but also through  
11    professional development, that they would understand  
12    anything of a sexual nature would become a major  
13    offense.

14          Q.     Was there a way at your school that you  
15    defined something that was sexual in nature versus  
16    something that was more platonic or something like  
17    that?

18          A.     No.

19          Q.     Are you familiar with Administrative  
20    Regulation 4316?

21          A.     By number, no.

22          Q.     4316 is North Penn's School Board  
23    Policy For Harassment. Are you familiar with that?  
24    I know you said the number itself is probably a

1 little difficult to remember --

2 A. Yes.

3 Q. -- so, I apologize for that.

4 A. That is okay.

5 Q. Are you familiar now, that is the  
6 Harassment Policy for personnel?

7 A. Again, I am gonna answer no to  
8 specifics about that. I think I understand what  
9 harassment is, but as specifically as it's outlined  
10 in the Board Policy, I can't say that I do.

11 Q. Okay. When you were the Principal at  
12 Gwynedd Square did you keep the North Penn School  
13 Board Policies at the school somewhere?

14 A. I believe at that point they were all  
15 online.

16 Q. Did you have a requirement or a  
17 recommendation for your teachers to go online and be  
18 familiar with the School Board Policies?

19 A. I always refer to School Board Policies  
20 and the Regulations, so, they were always  
21 mentioned. I think something I have always had said  
22 and I continue to say is, never go against School  
23 Board Policy. That's something that I really -- I  
24 don't go against School Board Policy. Knowingly go

1     against school Board Policy. I think there might  
2     have been written copies. They were written prior  
3     to technology. I don't recall a written set. I  
4     think everything was online at that point.

5             Q.     We talked about teachers reporting and  
6     what that would look like and any training that you  
7     may have provided or information to them about how  
8     to report if they see some type of incident in their  
9     classroom, but what about students reporting as a  
10    Principal, did you ever have any assembly training  
11    for students to report an incident?

12            A.     No.

13            Q.     Why not?

14            A.     I don't think it is something that we  
15    emphasized as much as we do now. I think students  
16    were always encouraged to report anytime, and at  
17    that point what our main emphasis was was on  
18    bullying. So, they were asked to report about  
19    bullying behaviors. I think I initially answered  
20    your question thinking of sexual, you know. So, I  
21    will rephrase.

22                    We train students to report when they  
23    were being treated unfairly, more through a bullying  
24    lens, because that was our main initiative at that

1 time, was anti-bullying. We ran a school positive  
2 behavior program, so that was a big part of it. We  
3 talked about bystanders and passive involvement in  
4 things like that.

5 So, we always encouraged students to  
6 report any kind of behavior that they felt that they  
7 either witnessed or that they were part of. So, we  
8 did encourage students to report it, but we never  
9 got in to anything sexual in nature.

10 Q. When they were told to report these  
11 bullying situations if they were being treated  
12 unfairly, who were they supposed to report to?

13 A. Any adult. We encouraged them to reach  
14 out to anyone that they felt comfortable reporting  
15 it to. Many times it would be a guidance counselor  
16 or teacher they felt very comfortable with. On some  
17 occasions there are teaching assistants, and some  
18 even feel comfortable coming to me.

19 Q. What about in terms of the parents, did  
20 you have any, like, parent-teacher night or things  
21 that you gave to parents on if they needed to report  
22 an incident who could they report to or how could  
23 they handle it?

24 A. I often would write in my -- I do a

1 Sunday message every Sunday night. My parents  
2 receive an automated call, as well as an email from  
3 me. It is something I have done before the '14-'15  
4 school year, and in those messages I often said,  
5 anytime, please reach out and contact your child's  
6 teacher or me with any issues.

7 So, it wasn't always related to  
8 bullying, but there were several times that we  
9 recommended that parents reach out if there were  
10 issues.

11 Q. Did you ever give any instruction to  
12 parents about Title IX?

13 A. No.

14 Q. What about in terms of, like, sexual  
15 misconduct or sexual harassment, was there any,  
16 like, training or information provided to parents on  
17 that back in, like, 2014-2015?

18 A. No.

19 Q. Would you agree with me that as  
20 Principal it's part of your responsibilities to  
21 maintain an education environment that is free from  
22 sexual harassment?

23 A. Yes.

24 Q. As part of your training up to the



1 2014-2015 school year, did you learn about children  
2 who are sexually abused and the impacts that it can  
3 have on them?

4 A. Yes.

5 Q. Is that something that you received  
6 from the District or in some outside capacity?

7 A. I would say -- I can't recall exactly  
8 who because, again, it is mandated between the  
9 mandated reporter training and some of my own  
10 professional development, I have received that  
11 information. I can't recall specifics though.

12 Q. Up to that point or prior to the  
13 2014-2015 school year, were you aware that children  
14 who are sexually abused are more vulnerable to  
15 subsequent sexual abuse? Is that something you knew  
16 about?

17 A. I cannot say that I can recall at that  
18 point that that was something I was aware of.

19 Q. Is that something that you now you are  
20 aware of?

21 A. I think so.

22 Q. As the Principal starting in 2013, I  
23 guess we haven't, I think, specifically talked about  
24 the plaintiff in this case, [REDACTED], but

1 do you remember [REDACTED]?

2 A. Yes, I do.

3 Q. Do you remember her parents?

4 A. Her appearance did you say?

5 Q. Her parents. P-A-R-E-N-T-S.

6 A. Yes. I remember her parents and

7 appearance, so I can say yes to both.

8 Q. Is there something about her appearance  
9 that, like, stands out to you?

10 A. A red headed child, yep.

11 Q. Were you aware as the Principal that  
12 [REDACTED] had been sexually abused when she was five  
13 years old?

14 A. Prior to the incident that occurred at  
15 Gwynedd, I don't recall if I knew that or not. I  
16 definitely was made aware of it at -- in  
17 conversations with the parents at that time, but I  
18 cannot recall if I knew that before then.

19 Q. Okay. As a Principal, is that  
20 something you would normally be in the know about if  
21 a student had a prior history of sexual abuse?

22 A. No, not necessarily. Typically that  
23 kind of information would come to the guidance  
24 counselor, but there are -- some parents don't even

1 give us that information. It is really case by case  
2 depending on the parents' level of comfort with that  
3 information.

4 Q. You said sometimes that would be  
5 something that the school guidance counselor would  
6 be aware of. Do you know why, other than maybe a  
7 parent giving too much information, but is there a  
8 reason that a guidance counselor would be made aware  
9 of something like that to be implemented in the  
10 school?

11 A. I think the guidance counselor is  
12 looked at as a resource for mental health, so, if it  
13 impacts the child's mental health I think some  
14 parents think it is appropriate to go to the  
15 guidance counselor and share that mental health  
16 information.

17 That is not just sexual in nature.  
18 That could be, you know, mental health diagnosis or  
19 anything related to a child's mental health. The  
20 guidance counselors are an excellent resource for  
21 that. That is where some parents will go to them.

22 Q. I just want to jump back for a second.  
23 We were talking about the Office Referral Form --

24 A. Yes.

1           Q.     -- that we spoke about.  If the teacher  
2     has it in their file and they don't turn it over to  
3     you, is there a certain time period that they hold  
4     them for?  How did that work?

5           A.     Usually they are discarded at the end  
6     of the school year.

7           Q.     If they do get brought up the chain and  
8     given to you, what happens to those office referral  
9     forms?

10          A.     Typically I kept a file of them for  
11     that school year and that would -- a major would  
12     require me to contact a parent and get parental  
13     involvement, things like that.  So, typically, I  
14     would keep those in a file at that point and, you  
15     know, I would refer back to them if I needed to.  At  
16     the end of the school year those were thrown away,  
17     were shredded as well.

18          Q.     Why were they shredded at the end of  
19     the school year?

20          A.     Most of the time they were minor  
21     incidences that, you know, we didn't feel needed to  
22     be kept necessarily as an educational record.  If  
23     they were there would usually then be a different  
24     document.  If it led to a suspension or something

1     there would be a letter that we would keep as the  
2     educational record for suspension or something like  
3     that.

4             Q.     Is that something, the letter, would  
5     that be something that would stay in the student's  
6     file?

7             A.     Yes.

8             Q.     When I say stay in the student's file,  
9     meaning after they left Gwynedd and went on to  
10    middle school, is that typically something that  
11    would stay in the file with the student?

12            A.     Yes, so that way there would be a  
13    record of that behavior or that incident.

14            Q.     When you say letter, is it a letter to  
15    the parents --

16            A.     Yes.

17            Q.     -- like, explaining the discipline that  
18    the child received?

19            A.     Yes.

20            Q.     Do you know, is that something that the  
21    District requires?

22            A.     I would say yes, it is something that  
23    is required, you know, that we maintain a record of  
24    student discipline, yes.



1           Q.     If a student is in sixth grade at the  
2     end of elementary school and they are gonna go in to  
3     the middle school, how does the student's file go  
4     from the elementary school up to the next level?

5           A.     The cumulative folder is transferred to  
6     the middle school. We actually have a process at the  
7     end of the year where they are with dates when you  
8     are supposed to transfer them and things like that  
9     so that things don't get lost. That was back in the  
10    '14-'15 school year. Now, it is all done  
11    electronically.

12          Q.     So, back in 2014-'15 it was like an  
13    actual paper file that would then be handed over to  
14    --

15          A.     Yes, a folder and many copy boxes of  
16    those folders were physically delivered to the  
17    buildings and then they were given to, you know, the  
18    office there for them to keep on file.

19          Q.     The buildings, meaning, like, whatever  
20    middle school the kid was going to?

21          A.     Correct.

22          Q.     Then, your understanding, was it then  
23    those boxes would be transferred and moved to the  
24    high school?

1           A.     I would assume so. I don't know.

2           Q.     You don't know?

3           A.     I don't know.

4           Q.     Do you know at what point the district  
5 went electronic? When they stopped keeping these  
6 boxes of records?

7           A.     No, I don't know if they still -- I  
8 don't know.

9           Q.     When you said -- I think you said we  
10 didn't feel that they needed to be kept, the  
11 records, I guess past the school year. When you say  
12 "we" who are you talking about?

13          A.     I will rephrase that.

14          Q.     Okay. So, that's something you didn't  
15 feel that records needed to be kept beyond the  
16 school year other than what we talked about?

17          A.     Correct. If it needed to be kept it  
18 was put in the students's folder.

19          Q.     When you say something needed to be  
20 kept, that would be things like if it was a major  
21 report, right; major incident?

22          A.     It could be, yes.

23          Q.     Is there a distinction between major  
24 incidents that you wouldn't keep after that year?

1           A.     No, no. In most cases majors were  
2 kept. They were put into a folder and kept.

3           Q.     I am just trying to make a distinction  
4 because I think you are saying most cases, so, that  
5 sounds to me like there are some cases that wouldn't  
6 be. So, is there a distinction between majors that  
7 were kept and majors that weren't?

8           A.     Are you referring to the office forms  
9 themselves or are you referring to an actual  
10 record?

11          Q.     Is the Office Referral Form -- I guess,  
12 what is the difference between an actual record and  
13 an Office Referral Form?

14          A.     Office Referral Form was something you  
15 used internally that would trigger a document that  
16 would be put into a student's cumm folder.

17          Q.     The Office Referral Form, is that  
18 something you just used at Gwynedd Square  
19 Elementary?

20          A.     Yes.

21          Q.     That is not a District form?

22          A.     Correct.

23          Q.     Then you said if you got the Office  
24 Referral Form and then you wanted to make an actual

1 record, what did that entail?

2 A. Then that would most likely be a letter  
3 on school letterhead from me to the parents  
4 outlining the behavior and outlining the  
5 consequence.

6 Q. Is there any other record that would be  
7 created after an incident other than a letter going  
8 to the parents?

9 A. A letter or a phone call, that would be  
10 probably it, yes.

11 Q. Okay.

12 A. Unless it was something that needed to  
13 be referred out to possible law enforcement or  
14 anything like that, but there still wouldn't be an  
15 actual record of that happening.

16 Q. Why wouldn't there be a record?

17 A. I don't know.

18 Q. So, the District didn't require any  
19 kind of record to be kept in those instances then?

20 A. No. Not that I am aware of.

21 Q. Did you feel it was important as the  
22 Principal to keep records of major incidents, like,  
23 what happened, other than a letter describing the  
24 discipline to the student's parents?

1           A.     No.

2           Q.     Why not?

3           A.     I think if it became a major incident  
4     that warranted discipline then the letter would be  
5     the official document.

6           Q.     In these letters that you would send  
7     home to parents, would it be anytime a student  
8     received discipline they would get these letters  
9     that would go in the file?

10          A.     Depending on the level of discipline,  
11     yes.  So, if they were suspended, then, yes, they  
12     would.  Maybe missing part of recess or something  
13     like that, then it would be a phone call.

14          Q.     As the Principal, why didn't you feel  
15     it was important to keep, like, the investigation  
16     notes or anything in the file?

17          A.     Hmm.  I think what would be, to me would  
18     be most the important would be -- To me, that would  
19     be record of --

20                 The letter would be the record of what  
21     transpired, so that would be my way of keeping the  
22     notes, and sometimes I did keep detailed notes on  
23     incidences.  I wouldn't necessarily put them in the  
24     file though.  I think that is your question, why.  I



1     don't know. I just, I think I always felt that the  
2     letter was sufficient as to a record of the  
3     incident.

4             Q.     Okay. The letters, typically, were  
5     they a form letter that you of kind of plug in,  
6     like, what the suspension was or punishment is and  
7     then like, the incident. What would, I guess, be in  
8     those letters?

9             A.     For the most part a description of what  
10    happened. Maybe not to the level of detail -- I  
11    should say not in a great level of detail and the  
12    consequence. That is typically what it was.

13            Form letter, I guess, that is a loose  
14    way of saying it. I mean, it wasn't the same for  
15    every single incident, but I think they definitely  
16    -- You could say they were some form, like, in  
17    nature.

18            Q.     Okay. If at the end of each school  
19    year these, whatever was in the file regarding an  
20    incident were shredded, how were you tracking a  
21    student's conduct from one year to the next?

22            A.     If there was some -- The cumm folder.  
23    That is the way I would track student behavior, is  
24    looking at their cumm folder.

1 Q. When you say "cumm folder"?

2 A. That was the folder that was passed  
3 year to year. So, a student in elementary would  
4 start a cumulative folder in kindergarten. It would  
5 have demographic information, academic information,  
6 and behavioral information in it.

7 So, we would start that in kindergarten  
8 and we would add information all the way through  
9 sixth grade, and then that folder would be sent to  
10 the middle school.

11 So, that was the main way of keeping  
12 the record.

13 Q. Okay. I understand at this time it was  
14 a literal folder, not something that was electronic?

15 A. Correct.

16 Q. But I think you told me that at the end  
17 of each school year you would shred, like, incident  
18 reports or the --

19 A. Office Referral Form.

20 Q. -- Office Referral Forms at the end of  
21 each school year. So, I guess my question is, if  
22 you are shredding them at the end of each year how  
23 are you tracking from one year to the next a  
24 student's behavioral conduct?

1           A.     I think that in our particular school,  
2     overwhelmingly they were minor behavior. We didn't  
3     have many major behaviors at our school. So,  
4     honestly, if there were major behaviors, I would  
5     remember them. We had so few that I didn't have a  
6     need to have any kind of system to track major  
7     behaviors.

8           Q.     Because, you are saying, they are all  
9     in your head?

10          A.     No. Because there were so few of them.

11          Q.     But I think you were saying because you  
12     could remember them --

13          A.     Yes.

14          Q.     -- that is why you didn't track them?

15          A.     Yes, because there were so few of them  
16     I could remember them, yes.

17          Q.     So, that is why you didn't have to  
18     track them on paper, because you remember them?

19          A.     I remember the students, yep. Yes.

20          Q.     Okay. So, what happens then when they  
21     go from sixth grade to the middle school if they are  
22     all things that you remember and it's not papered in  
23     a file, how is the next step, as the middle school  
24     or high school, supposed to know about a student's

1 prior conduct if it is not in the file?

2 A. Then if it is major it would be in the  
3 file, if it's minor it wouldn't be.

4 Q. So, I guess I am trying to clarify. I  
5 think you told me the only thing that would be in  
6 the file would be a letter to the parents; right?

7 A. Correct.

8 Q. So, that is the only thing that would  
9 go from middle school to high school is a letter if  
10 it was sent to the parents?

11 A. Correct.

12 Q. Do you think that it would be important  
13 for a middle school or a high school, or whoever is  
14 gonna get that file to have more information in  
15 addition to just the letter that was sent to the  
16 parents?

17 A. Yes.

18 Q. If you felt that important then why  
19 wouldn't you include more information than that?

20 A. If it was something that needed to be  
21 relayed to the middle school it would be.

22 Q. How would that happen?

23 A. Typically the middle school would  
24 review the folder, however, we did have a transition

1 meeting with the middle school guidance department  
2 at the end of the school year where we could talk  
3 about individual students.

4 Many cases the guidance counselor and I  
5 would meet with the middle school guidance counselor  
6 to talk about those types of issues or incidences.

7 Q. When you say "those types" what do you  
8 mean?

9 A. The ones you were referring to.  
10 Anything we felt was needed to be passed on to the  
11 middle school.

12 Q. How would you distinguish something  
13 that needed to be passed on to the middle school, is  
14 that something that you would decide?

15 A. Yes.

16 Q. Is that something that the District  
17 gave you authority to do?

18 A. What do you mean?

19 Q. Like, is that something that you just  
20 did on your own or were you allowed to do that, like  
21 distinguish what did or didn't get passed along to  
22 the middle school?

23 A. I think we passed along what we felt as  
24 professionals was important for middle school to



1 know and to have that knowledge in case they needed  
2 to act on it in the future.

3 Q. But I think earlier you said that you  
4 have -- You wouldn't knowingly violate school  
5 policy; right --

6 A. Right.

7 Q. -- school board policy? In doing that  
8 that's something you thought you were permitted to  
9 do in terms of your role as Principal at the school;  
10 is that right?

11 A. Can you rephrase it for me?

12 Q. Sure. You are saying that you would  
13 just relay what needed to be relayed to the middle  
14 school, what you felt needed to be relayed; right?

15 A. Yes. I would -- We would have that  
16 transition meeting where we would provide the middle  
17 school information that we, as professionals, felt  
18 was important for them to know. That could  
19 include: Behavioral; academic; or social or  
20 emotional information, yes.

21 Q. That also means the things that you  
22 didn't think that they needed to know, you didn't  
23 have to tell them, right, in those meetings?

24 A. Well, if I didn't think they needed to

1 know it I wouldn't relay it to them; correct.

2 Q. That is something you were allowed to  
3 do in your role with the District as a Principal?

4 A. Well, I think the way you are saying it  
5 it is -- It is confusing to me because the way you  
6 are saying being allowed, it is almost like I  
7 wouldn't do it. I -- We would do it in what we felt  
8 was professional. We would pass along the  
9 information that we felt was important. That was  
10 something that --

11 Did the district come out and say do  
12 that or don't do that, no. They never said that.  
13 That was something that we as educators with  
14 experience felt that this is something the middle  
15 school might want to know.

16 Again, it is not a lot of information  
17 because we didn't have -- behaviorally speaking,  
18 it's not a lot of information because we didn't  
19 really have any behavior incidences, but there is a  
20 lot of academic information that might need to be  
21 passed along. Students with IEPs or 504 plans or  
22 things like that, that kind of information might  
23 need to be passed -- that needs to be passed along.

24 Q. Do you recall whether there was ever a

1 meeting when [REDACTED] [REDACTED] went from elementary to  
2 middle school; went to middle school?

3 A. To be honest, I don't recall that  
4 because the incident that we are all here for was  
5 towards the end of the school year and I don't  
6 remember if that happened before or after our  
7 transition meeting.

8 Q. What is it you don't recall happened  
9 before or after?

10 A. I don't recall if we met with the  
11 middle school about -- I don't know if we had our  
12 transition meeting before the incident, so that we  
13 could relay it, or if it was -- if the -- if the  
14 meeting was before the incident then we wouldn't,  
15 obviously, be able to relay it. If the meeting was  
16 after then we could have relayed it.

17 I don't recall when that meeting was in  
18 relation to the incident to say whether or not we  
19 were able to pass that information along.

20 Q. If the meeting had occurred -- I guess  
21 no matter when the meeting had occurred, the  
22 incident we are here to talk about today, is that  
23 something you would categorize in the need to  
24 know --

1 A. Yes.

2 Q. -- that you would tell--

3 A. Yes.

4 Q. Okay. Why do you think that they would  
5 need to know about that incident?

6 A. I think -- You know what, I am gonna  
7 rephrase that and say it might not be, as it's  
8 germane to the case, because we separated the  
9 students, the facts of the case might not need to be  
10 relayed. The behavior of [REDACTED] would have been  
11 relayed to the middle school.

12 Q. So, you are saying because [REDACTED] was  
13 going to a separate middle school from [REDACTED] you  
14 wouldn't have --

15 A. Right. We might not have -- I'm sorry.  
16 I cut you off.

17 Q. That's okay. Go ahead.

18 A. You asked me not to in the beginning.

19 Q. That is okay.

20 A. I'm sorry. Because the students were  
21 separated I would not feel the need to call the  
22 middle school and give them many -- a lot of detail  
23 about what happened, because the students are  
24 separated. If I would feel the need, and I can't

1 recall if I did, if we did communicate with the  
2 middle school, I would communicate the need, that we  
3 had an issue that occurred there.

4 I know that the incident was ongoing  
5 and I don't recall if it was resolved completely by  
6 the end of the school year to relay that information  
7 to the middle school.

8 Q. You said that the incident was  
9 "ongoing". What do you mean?

10 A. Because there -- Well, the incident  
11 occurred, the follow-up that was happening, I don't  
12 recall if everything occurred before the end of the  
13 school year.

14 Q. You said that you may not tell them all  
15 the details with [REDACTED] because now the students are  
16 separated, but you would have told them about the  
17 behavior of [REDACTED] right?

18 A. Correct.

19 Q. Why was it important to you to tell, if  
20 this meeting occurred where your intention would  
21 have been to tell the middle school about the  
22 behavior of [REDACTED] why is that the case?

23 A. If I felt that a student was acting  
24 inappropriately then I would have relayed that



1 information.

2 Q. Okay. In relaying the information,  
3 would that have been documented anywhere, these  
4 meetings that you had transitioning?

5 A. No. The actual information that was  
6 relayed would have been just notes the guidance  
7 counselors would have kept.

8 Q. If the guidance counselors were present  
9 at any transitional meeting?

10 A. Correct, and they were. Those were the  
11 individuals that were present for the meetings.

12 Q. Where are their notes kept. If you  
13 know?

14 A. I don't know.

15 Q. Do you know whether it ever makes it  
16 into any type of file on the student, whether it's  
17 the cumulative file or any other type of thing for  
18 transition from one place to the next?

19 A. No. I don't know.

20 Q. I guess before we get in to talking  
21 about what you reviewed for the deposition today,  
22 when you may have met with your counsel. I am not  
23 asking you what you discussed or what may have asked  
24 or they told you, but did you review any documents

1 in preparation for the deposition today?

2 A. Yes.

3 Q. What documents did you review?

4 A. I reviewed the Office Referral Form; a  
5 copy of my notes. I think that was about it.

6 Q. Did you have any conversations --  
7 Again, I'm not asking you about conversations with  
8 counsel, but did you have any conversations with  
9 anybody in preparation for today?

10 A. Outside of counsel?

11 Q. Yes.

12 A. No.

13 Q. Since the lawsuit has been filed, other  
14 than counsel, have you had any conversations with  
15 anybody, whether it is teachers, administrators  
16 about what happened?

17 A. No.

18 Q. Prior to reviewing the documents in  
19 preparation for your deposition today, did you have  
20 an independent memory of the events in 2014 and  
21 2015?

22 A. Very little.

23 Q. Tell me what you remember, just  
24 outside, like, looking at -- We will look at the

1 note. I am just curious what your recollection was  
2 of what happened?

3 A. Prior to -- You are asking me prior to  
4 reviewing with Counsel?

5 Q. Yeah, and just to clarify again, I'm  
6 not asking you, if they told you certain things, I  
7 am not asking for those communications, just, what  
8 was your memory of what happened?

9 A. My memory was that an incident occurred  
10 at the school between [REDACTED] and [REDACTED] What was  
11 reported -- It was not initially reported to me when  
12 it first occurred, but that I was made aware of it  
13 later, and that some other girls had reported some  
14 behavior by him. I couldn't remember what the  
15 behavior was, but that something had happened. That  
16 what initially was reported to me seemed to be  
17 consensual when it was first reported by the  
18 teachers but the teachers did not report that issue  
19 to me.

20 They told the students that if it  
21 didn't occur again they wouldn't tell their parents,  
22 but when it was made aware to me I informed all  
23 parents involved and then we -- Then I know that  
24 Mission Kids and law enforcement got involved with

1 it from there. That is what I recall.

2 Q. When you said it was made to be  
3 consensual, is that what you said?

4 A. No. My impression -- The impression  
5 given to me by the teachers was that it was  
6 consensual.

7 Q. What do you mean by that?

8 A. When the teachers first told me about  
9 the incident they told me they thought it was  
10 consensual.

11 Q. What about it made it consensual? I am  
12 just trying to understand.

13 A. That's what they told me.

14 Q. They literally used the words, it was  
15 consensual?

16 A. Yes. If I recall -- I believe I recall  
17 that is what the actual words that were used.

18 Q. Did you ask any questions, if you can  
19 remember, to them as to, like, what does that mean,  
20 since they are two elementary school students?

21 A. That, basically, the students were  
22 feeling around in class.

23 Q. Did they use the words fooling around?

24 A. I can't recall if they -- Those are my

1 words right now. I don't recall what the words were  
2 at that time.

3 Q. Do you remember, like, what fooling  
4 around in class meant? Like, what exactly was going  
5 on?

6 A. That [REDACTED] had put his hand up her  
7 shirt.

8 Q. I guess just to clarify. If you know  
9 that at the time that [REDACTED] had put his hand up  
10 [REDACTED]'s shirt were you under the impression that  
11 that was consensual at the time?

12 A. Yes.

13 Q. In comparison to what you told us  
14 earlier in the deposition about things being  
15 consensual or not consensual, I think you were  
16 saying, like, in the school context, one student  
17 touching another, that can't be consensual. It's  
18 always inappropriate I think is what you said  
19 earlier?

20 MS. JORDAN: Note my objection to the  
21 form of the question. You can answer.

22 THE WITNESS: When I was stating the --  
23 What I had said was that it could be  
24 consensual, but no matter if it's consensual



1           or not it is still inappropriate is what I  
2           was referring to earlier.

3   BY MS. LAUGHLIN:

4           Q.     Okay. Is there anything else  
5           independently that you remember conversations that  
6           you had outside looking at the records?

7           A.     When you say "conversations outside",  
8           what do you mean?

9           Q.     Like, with teachers or administrators?

10          A.     I know that I involved Dr. Santoro.  
11          She came up to the building. We met with -- I met  
12          with both sets of parents regarding the incident. I  
13          met with Officer Ciaola from Upper Gwynedd Township  
14          about the incident. So, those happened as well.

15          Q.     Now, do you need to take a break at all  
16          before we jump in to --

17          A.     No. Go ahead.

18          Q.     I am gonna pull up some documents on my  
19          screen and kind of go through them with you.

20          A.     All right. If you would like we can  
21          take a break while you pull those documents up.

22          Q.     Why don't we take five minutes, because  
23          then we are gonna be in another set of questions, so  
24          let's take a five-minute break and then come back.

1           A.     Thank you.

2                     (A break was taken)

3   BY MS. LAUGHLIN:

4           Q.     Before I show you a document I just had  
5   one follow-up question from what we were just  
6   talking about in you recalling what you remember  
7   about the '14-'15 incident, and you being notified by  
8   the teacher of Gwynedd what had happened. I think  
9   that you said that they had, you know, kind of led  
10   you to believe that it was consensual; is that  
11   right?

12          A.     Yes.

13          Q.     At some point did you decide otherwise,  
14   that you didn't think that it was consensual?

15          A.     I can't recall if I did, you know.  
16   What I recall is that that is the only -- in 18  
17   years of being a Principal that is the only really  
18   sexual issue I have ever really had to deal with, so  
19   that is why I remember it so well, but, you know, I  
20   don't recall ever having -- I can't recall ever  
21   changing it from viewed as more of a consensual act  
22   to, you know, non-consensual, which is the only way  
23   it can be viewed.

24          Q.     Is there something about it that makes

1     you distinguish it from being consensual versus not  
2     consensual?

3             A.     No.     Just that I recall the teachers  
4     telling me, kind of, the reason they didn't report  
5     it was that they felt that it was more consensual  
6     and that is why they told them they wouldn't tell  
7     their parents.

8             Q.     Okay.   Them telling them that they  
9     wouldn't tell their parents, what was your reaction  
10    to that at the time?

11            A.     That they should have told the parents  
12    right away.   I mean, what they did was not the  
13    correct course of action.

14            Q.     So, I am gonna pull up a document.

15                   MR. SOMERS:   These are all documents  
16    you have already seen?

17                   MS. JORDAN:   Yes.

18    BY MS. LAUGHLIN:

19            Q.     Are you able to see that on your  
20    screen?

21            A.     Yes.

22            Q.     Is this one of the documents that you  
23    reviewed in preparation for today?

24            A.     Yes.

1           Q.     Just for the record, I am not gonna  
2     mark this because these are Bates stamped, but I  
3     will refer to the Bates number so we can keep track  
4     of it with the deposition transcript. It is North  
5     Penn's production Bates No. 1016.

6                     These are your notes, Mr. Bowen?

7           A.     Yes.

8           Q.     I just want to kind of go through this  
9     line by line and ask you some questions along the  
10    way, okay?

11          A.     Sure.

12          Q.     It says, On the afternoon of Friday  
13    April 10, 2015, I was at the ESC to conduct  
14    interviews for teaching positions.

15                     What is he ESC?

16          A.     Educational Service Center, that is our  
17    district office.

18          Q.     Then it says at 1:31 p.m. I received a  
19    text message from Kristen Vaszily, Gwynedd Square  
20    guidance counselor asking you to call her for an  
21    urgent reason.

22                     This text message that you received,  
23    was that on a personal cell phone or did you have a  
24    District phone to use?

1           A.     Personal.

2           Q.     Now we are in 2021. Do you still have  
3 the cell phone that you were receiving text messages  
4 on at that time?

5           A.     No. No.

6           Q.     It says I called her. She stated she  
7 was contacted by a sixth grade teacher, Mrs. Rosanna  
8 D'Elio (ph), to address a situation with a female  
9 student identified, then it's blank.

10                   Do you see that?

11          A.     Yes.

12          Q.     It says Ms. Vaszily went into the room  
13 and met with the teacher. Ms. D'Elio relayed what  
14 the female student said to her.

15          Q.     Now, when you are reading, do you  
16 recall having this conversation with Ms. Vaszily?

17          A.     No. Vividly, no.

18          Q.     It says, Ms. Ruth Divver was present at  
19 the time and stated there may have been a similar  
20 incident involving the male student that occurred  
21 earlier in the year. I guess just to clarify, Ms.  
22 Divver, is she one of the sixth grade teachers at  
23 the time?

24          A.     Yes.



1           Q.     Ms. D'Elio, was she a different sixth  
2     grade teacher at the time?

3           A.     Yes. Just for your education and so we  
4     keep things moving, Holly Andrew is the co-teacher.  
5     She is a specialized teacher assigned to that grade  
6     level.

7           Q.     So, is she assigned to the entire grade  
8     or she is assigned to Ms. Divver's room?

9           A.     She was assigned to the entire grade to  
10    work with the special education students in that  
11    grade level.

12          Q.     [REDACTED], was she one of the  
13    special education students in the sixth grade?

14          A.     I do believe so, yes.

15          Q.     Do you know about how many special  
16    education students there were in the sixth grade at  
17    the time?

18          A.     No.

19          Q.     From your understanding, was it Ms.  
20    Andrews, would she kind of like float from classroom  
21    to classroom? How did she, I guess, keep eyes or  
22    assist special education students in the sixth  
23    grade?

24          A.     We do what's called -- Typically we do

1    what's called clustering, where we put all the  
2    special education students in the same classroom and  
3    then we assign the teacher to follow that group  
4    around. So, she would go from classroom to classroom  
5    with them, because our sixth grade is co-taught. 1  
6    teacher teaches math, 1 teaches LA, 1 teaches social  
7    studies and science.

8           Q.     So, for Ms. Andrews and Ms. Divver, one  
9    of them would teach social studies another one might  
10   teach the LA?

11          A.     No. Ms. Divver was the social  
12   studies-science teacher. Mrs. Andrew was the special  
13   education teacher that would co-teach that class  
14   with her.

15          Q.     Do you know, was [REDACTED] also a special  
16   education student?

17          A.     To my knowledge, no.

18          Q.     So, Ms. Ruth Divver stated that there  
19   may have been a similar incident involving the male  
20   student that occurred earlier in the year. Is this  
21   something, do you know, that Ms. Vaszily was telling  
22   you on the phone?

23          A.     Please reread that, because I lost  
24   where you were.

1 Q. Sure.

2 A. There you go. Ms. Ruth Divver was  
3 present at the time and stated there might have been  
4 a similar incident involving -- I can't recall if  
5 Ms. Vaszily told me that on the phone or in person.

6 Q. Okay. After the phone call you went,  
7 and I know we are gonna get there, but you went to  
8 the school to have an in-person meeting?

9 A. Yes.

10 Q. Then it says two lines down, Mrs.  
11 Vaszily escorted the female student to her office  
12 and spoke with her. She reported that Wednesday,  
13 April 1st 2015, during a movie in social studies  
14 class a male student identified as [REDACTED]  
15 placed his hand on her neck and lower back. It  
16 says, on Thursday, April 9, 2015, the male student  
17 again touched a female on the knee and under her  
18 shirt.

19 So, at this point are you present  
20 during these interviews that Ms. Vaszily is doing?

21 A. I can't recall if I was. I am gonna --  
22 I don't think I was, I can't recall though.

23 Q. So, this is something that you are  
24 compiling based on information that you were told

1 by, is it Ms. Vaszily?

2 A. Yes.

3 Q. This is obviously typed. Is it on the  
4 school computer that you are typing this on?

5 A. I would say yes.

6 Q. Do you recall whether you had made any  
7 -- Did you have to send this to anybody before you  
8 submitted it to where it was submitted to?

9 A. No.

10 Q. Do you recall whether any changes were  
11 made to it once you had this up?

12 A. No. Not that I recall.

13 Q. It says that Mrs. Vaszily returned the  
14 student to their room and spoke to Ms. Divver and  
15 Ms. Holly Andrew, also present, due to the  
16 co-teaching classroom. Mrs. Divver provided Ms.  
17 Vaszily with an Office Referral Form from an earlier  
18 incident.

19 Do you remember whether you were  
20 present when Ms. Vaszily was talking to Ms. Divver  
21 and Ms. Andrew?

22 A. I was not present.

23 Q. Do you know why you weren't present?

24 A. I believe this all occurred while I was

1 at the ESC conducting interviews.

2 Q. Before you could get back to the  
3 Gwynedd building?

4 A. Correct.

5 Q. Then it talks about how Ms. Andrew  
6 provided further information about the November 2014  
7 incident when she witnessed [REDACTED] and [REDACTED]  
8 [REDACTED] sitting together. At one point she saw  
9 [REDACTED]'s hand under [REDACTED]'s shirt.

10 Then it mentions that she took both  
11 students out in the hallway and the incident did not  
12 get reported to the parents or administration but an  
13 Office Referral Form was completed and filed with  
14 Ms. Divver.

15 Was it typical that the Office Referral  
16 Forms would be held by the teacher versus the  
17 special education person like Ms. Andrew was?

18 A. Typically they are housed by the  
19 classroom teacher because of the students moving.  
20 We needed the homeroom teachers to hold forms  
21 because if something happened in art, music and the  
22 cafeteria we need a point person to hold all those  
23 documents so that we would know when three incidents  
24 occur so they became a major.



1           Q.     So, in the sixth grade students would  
2     be would have, like, a homeroom and then a normal  
3     class teacher, but then they would move to different  
4     other teachers for certain subjects?

5           A.     They would have a homeroom and then  
6     they would have all three sixth grade teachers for  
7     subjects. So, they went to every teacher,  
8     typically.

9           Q.     Did the same group of students move  
10    together to each of the teachers?

11          A.     We tried to have students mixed up as  
12    much as possible, so I can't recall. We tried to  
13    have them mixed up as much as possible. So, we  
14    tried not to have them always together.

15          Q.     Okay. So, kind of rotating different  
16    students? Like, you might have social studies  
17    together but then in ELA you might be mixed with  
18    different groups of people, not everybody in the  
19    same class?

20          A.     Correct.

21          Q.     Then I guess you had asked Ms. Vaszily  
22    to set up a meeting with the parents of the male  
23    student for Monday morning. After that meeting we  
24    would further discuss a course of action.

1           A.     Can you scroll up where that is?

2           Q.     I am sorry.

3           A.     That is okay. I don't see that written  
4 there, that's all. Okay. I asked Ms. Vaszily to  
5 set up a meeting with the parents for Monday. Yes.  
6 I believe this is -- The information I wrote there,  
7 that is what Ms. Vaszily provided to me over the  
8 phone when she -- when I called her after I received  
9 the text message.

10                    So, I said, you know, I won't be back.  
11 Probably what I was thinking -- or what I am  
12 thinking is, I wasn't back for the rest of the day  
13 so I asked her to set up the meeting.

14           Q.     Why was your first course of action to  
15 set up a meeting with [REDACTED]'s parents?

16           A.     Probably because what's been relayed  
17 here is multiple incidences.

18           Q.     So, I guess because there is multiple  
19 incidences, you wanted to discuss it with his  
20 parents first?

21           A.     Absolutely.

22           Q.     Why is that?

23           A.     Because he is being accused of  
24 something, so I wanted to make sure the parents were

1     aware of the accusations, and what -- you know, that  
2     I would need to further investigate it.

3             Q.     Then you said you also asked Ms.  
4     Vaszily to provide a written statement of the  
5     November incident?

6             A.     Yes.

7             Q.     Why did you have her do that?

8             A.     Because, again, that was inappropriate  
9     behavior and it should have been documented and  
10    brought to my attention immediately.

11            Q.     When you came in Monday Ms. Vaszily  
12    gave you the Office Referral Form that had been  
13    filled out and Ms. Andew's statement at the time?

14            A.     Correct.

15            Q.     Do you recall over the weekend whether  
16    you had had any conversations with anybody, whether  
17    it is teachers or parents, about what had happened?

18            A.     No, not that I recall.

19            Q.     At this point did you notify [REDACTED]'s  
20    parents about what had happened?

21            A.     No, I don't believe I contacted her  
22    parents yet.

23            Q.     You wanted to talk to Mr. [REDACTED]  
24    [REDACTED]'s parents first?

1           A.     Yes.

2           Q.     Did the district have any requirement  
3     or anything upon finding out that there may have  
4     been an inappropriate incident with a student that  
5     you have to contact -- the time frame you have to  
6     contact the students' parents?

7           A.     Are you asking me if there is a time  
8     frame that I have to contact parents when I am made  
9     aware of an incident?

10          Q.     Yes.

11          A.     No.   As soon as possible would be my  
12     answer.

13          Q.     Is there a reason, after finding this  
14     out, I assume on Friday or the end of the prior  
15     week, that you didn't contact [REDACTED]'s parents?

16          A.     I contacted them Monday morning, so  
17     once I had -- I was able to speak with Ms. Vaszily  
18     in person and I was able to gather as much  
19     information, then we contacted her parents.

20          Q.     Okay.   Do you know whether you  
21     contacted [REDACTED]'s parents before or after the  
22     meeting with [REDACTED] [REDACTED]'s parents?

23          A.     I believe probably after [REDACTED]'s  
24     parents.

1 Q. Is that something you wanted to find  
2 out more information from [REDACTED] and his mom about  
3 what happened before contacting [REDACTED]?

4 A. I can't recall why I did that back  
5 then. You know, I would think that a student's been  
6 accused of a, you know, an act that I feel at this  
7 point would be serious. So, I would want to make  
8 sure that the parents were involved -- parents were  
9 aware of the accusation, and that I would be  
10 conducting an investigation into it further.

11 Q. Here it says, 8:05 we met Mrs. [REDACTED]  
12 and [REDACTED] [REDACTED] We discussed the incident and  
13 [REDACTED] admitted that both did occur.

14 Do you see that sentence?

15 A. Yes.

16 Q. This is highlighted here. Do you know  
17 whose highlight that is?

18 A. Nope.

19 Q. Not something that you highlighted?

20 A. No.

21 Q. Can you tell me what you remember about  
22 the meeting that you had with [REDACTED] and his mother?

23 A. Gees. Other than [REDACTED]'s mom being  
24 very upset, no.



1 Q. Did she explain why she was upset?

2 A. I honestly can't recall. I can just  
3 remember her being upset.

4 Q. When you say "upset", was she crying or  
5 angry; what do you mean?

6 A. Angry.

7 Q. Angry at who, or at what?

8 A. I don't know honestly. I don't  
9 remember if she was angry at us and -- I don't  
10 remember. I don't remember. I just don't  
11 remember.

12 I remember her being angry because I  
13 can remember her standing up and being angry with  
14 me. So, I don't remember who she was angry at  
15 though.

16 Q. Do you remember, was she yelling during  
17 the meeting?

18 A. No. Nope. She was very calm until the  
19 end, then she was very angry.

20 Q. Do you know what -- what was the end of  
21 the meeting? Do you remember what you were  
22 discussing at that point that --

23 A. No.

24 Q. Did you ask [REDACTED] any questions during

1     that meeting?

2             A.     I would think I would, yes, because he  
3     --

4             Q.     Do you --

5             A.     -- was present for the meeting.

6             Q.     Do you remember any --

7             A.     He had said that --

8             Q.     -- I apologize.

9             A.     It's okay. And it says there that he  
10    admitted both occurred. So, he admitted that, you  
11    know, he did touch her.

12            Q.     Okay. Like, touch both of the girls in  
13    the different incidents?

14            A.     I don't recall if he's admitted to --  
15    that he touched [REDACTED] on multiple occasions or that  
16    he touched both girls. I don't recall.

17            Q.     So, when you are saying that [REDACTED]  
18    admitted that both did occur, you are not sure what  
19    you are referring to?

20            A.     At this point, no.

21            Q.     Do you recall --

22                    Was this meeting recorded in any way?

23            A.     No.

24            Q.     Do you recall, like, were you asking

1     [REDACTED] specific questions or do you recall anything  
2     about how the conversation went between you and  
3     [REDACTED] or you and his mom?

4             A.     No, I don't recall.

5             Q.     Was there anybody else in this meeting  
6     other than you, [REDACTED] and his mother?

7             A.     I -- I would think Ms. Vaszily. I  
8     don't recall if Mrs. Vaszily would be present, but  
9     she could have been. I don't recall though.

10            Q.     It says that you informed Ms. [REDACTED]  
11     that you would need to investigate further and that  
12     consequences would be determined after that. And  
13     then you said during the course of Monday you  
14     contacted the parents of [REDACTED], who was identified  
15     as the girl from the November of 2014 incident.

16                   And then it said, I called Dr. Santoro,  
17     Director of elementary education to make her aware  
18     of the situation, and that [REDACTED]'s parents informed  
19     me they would be coming to school to further discuss  
20     the incident. I want to kind of break that down.

21                   When you called Dr. Santoro, is that  
22     after you had -- is this, kind of, your documenting  
23     things in the order that you did things? Like,  
24     Friday --

1           A.     Yes. Yeah, it is chronological. It is  
2     chronological.

3           Q.     So, you call Dr. Santoro to make her  
4     aware of the situation. Why were you doing that?

5           A.     Because she is my immediate supervisor.

6           Q.     Is this something -- I think before you  
7     had said that major incidents are the ones that you  
8     would report to the immediate supervisor; is that  
9     right?

10          A.     Correct.

11          Q.     What about this was a major incident?

12          A.     I think, uh, sexual in nature.

13          Q.     Are you talking about both [REDACTED]'s  
14     incident and the other girl's incident?

15          A.     I am talking about it all.

16          Q.     Okay.

17          A.     Because as you can see, I would need to  
18     investigate further. It is the start of an  
19     investigation, so I don't think I have all the  
20     facts, and part of that is meeting with the parents.

21          Q.     At this point, since you are starting  
22     the investigation, do you know whether this is  
23     something that, like, kind of triggers Title IX at  
24     this point?

1           A.     I don't know because, I think -- I have  
2     to recall what [REDACTED] admitted to to say that it  
3     could, yes. I don't -- the highlighted area. We  
4     discussed the incident and [REDACTED] admitted that both  
5     did occur. I am trying to recall what he had said,  
6     but if he admitted to it, yes, this could trigger a  
7     Title IX.

8           Q.     Okay.

9           A.     Yep.

10          Q.     Sorry. I didn't mean to cut you off.

11          A.     That's okay. I was done.

12          Q.     Now, at this time did you know about  
13     Cheryl McCue being the Title IX coordinator?

14          A.     I am gonna say no. It was not -- We've  
15     -- In the training that's occurred since then, it's  
16     been -- the process has been made more clear to us.  
17     I don't think it was as clear at that time.

18          Q.     So, as far as you were aware, you just  
19     contacted your supervisor, which would have been Dr.  
20     Santoro?

21          A.     Correct.

22          Q.     With you contacting Dr. Santoro, what  
23     was your understanding of how she would get involved  
24     at this point?

1           A.     She might not get involved. You know,  
2     again, it is -- it is -- we want to make our -- We  
3     want to make Dr. Santoro aware of incidences that  
4     could become, you know, serious in nature before  
5     they become serious in nature.

6           Q.     What do you mean by that; "before they  
7     become serious in nature"?

8           A.     Because I am doing an investigation so  
9     I want her to know that I am starting an  
10    investigation and that this has potential to become  
11    a very serious matter.

12          Q.     When you say, "a very serious matter",  
13    what are you referring to?

14          A.     That we have a student that's touching  
15    students.

16          Q.     Okay. If that were to continue  
17    happening that would be --

18          A.     No. If my investigation determined if  
19    what has been alleged has occurred or that's it's  
20    occurred on a grander scale that I am just finding  
21    out about, then I want her to be aware of it.

22          Q.     Then it says, when you informed  
23    ██████'s parents -- or -- when you talked to  
24    ██████'s parents they had informed you that they



1 would be coming to the school to further discuss the  
2 incident.

3 Do you recall that conversation you had  
4 with [REDACTED]'s parents?

5 A. I -- Not really, no.

6 Q. Do you recall whether you talked to  
7 both the parents or whether it was just the mom or  
8 the dad?

9 A. It was definitely both parents. I  
10 recall both parents being in the room.

11 Q. You recall them both being in the room  
12 for the meeting?

13 A. Yes.

14 Q. What about the phone call? Do you  
15 recall whether you talked to both or just one?

16 A. Well, I think I talked to mom on that  
17 case. I tended to talk to mom more than the father,  
18 but I remember both parents coming in.

19 Q. Then they came in, it says, at 12:30  
20 and you met with -- you and Ms. Vaszily met with  
21 them for the next hour until 1:30, right?

22 A. Yes.

23 Q. Then you had reported back to Dr.  
24 Santoro to inform her about the meeting, right?

1 A. Yes.

2 Q. When you contacted Dr. Santoro, was  
3 that by phone?

4 A. Yes.

5 Q. Do you recall whether during the course  
6 of this when you are talking to, whether it is Ms.  
7 Vaszily or Dr. Santoro or anybody else involved in  
8 this investigation, whether you were exchanging  
9 emails with anybody?

10 A. I don't think so. I think most of this  
11 was done by the phone.

12 Q. My next question was going to be, I  
13 know you said it was done by phone, but did you send  
14 text messages to anybody, if you know?

15 A. No, I am not a texter. Still not a  
16 texter. I am not a text person.

17 Q. Okay. And then it says --

18 A. Sorry. These thumbs are too big to  
19 text properly.

20 Q. It says we then contacted the parents  
21 of blank to inform them of our findings. At this  
22 point, did you have, like, findings or conclusions  
23 from talking to [REDACTED]'s parents as well as [REDACTED]  
24 and his mother?

1           A.     I would say that I -- Without having  
2     the name there I don't know. I think just,  
3     basically, what I found out so far from meeting with  
4     the parents.

5           Q.     Then Dr. Santoro called you to say that  
6     she had then met with the [REDACTED] as well?

7           A.     Right.

8           Q.     Do you know why Dr. Santoro had also  
9     met with the [REDACTED], looks like, right after  
10    you and Ms. Vaszily just met with them?

11          A.     I think they -- No, I don't recall. I  
12    would be speculating if I gave you an answer. I  
13    don't recall.

14          Q.     I don't want you to guess so I  
15    appreciate that.

16          A.     Yep.

17          Q.     Then it says about 3:00 p.m. I met  
18    with 6th grade teachers to develop a new schedule  
19    for [REDACTED] So, this is, like, an action now that  
20    you are taking in response to learning this  
21    information.

22                 Did you talk to anybody else in making  
23    this decision to make a new schedule for [REDACTED]

24          A.     No, that was a conversation that Dr.

1 Santoro and I had and made that decision.

2 Q. Can you recall anything about that  
3 conversation between you and Dr. Santoro that  
4 resulted in that step?

5 A. Just that we wanted to separate the  
6 students, and I recall that we wanted to make sure  
7 that the academic level that [REDACTED] was going into  
8 was appropriate. Because I remember the one math  
9 class being a little high for him.

10 Q. So, in addition to different students  
11 having, like, math or whatever classes, they were  
12 different levels of, like, how difficult the class  
13 might be, or?

14 A. Math was. There is one class that was  
15 accelerated out of the group, and I believe we had  
16 to move him in to that math class in order to  
17 separate the students --

18 Q. Okay. And why --

19 A. -- (inaudible) about doing that with  
20 him.

21 Q. Okay. And why were you moving [REDACTED]  
22 as opposed to the other girls, if you know?

23 A. I don't recall.

24 Q. Do you know whether there is any

1 requirement, whether it is the District or some,  
2 like, Title IX or something like that that -- you  
3 are shaking your head no?

4 A. I am not answering. You told me not to  
5 answer. Go ahead.

6 Q. Do you know whether there is any kind  
7 of requirement, whether it is the District or Title  
8 IX or any other type of requirement that the  
9 perpetrator, or the person who committed the act is  
10 the 1 that gets impacted? Or the schedule gets  
11 impacted versus the victim?

12 A. No. Because [REDACTED] was special ED, if  
13 we moved her she would be moved down out of the  
14 special ED group, that she would no longer receive  
15 the academic support. So, [REDACTED] was the one that  
16 had to be moved.

17 Q. Do you know whether -- I am not asking  
18 the identity of the other girl, but do you know  
19 whether she was also special ED?

20 A. I don't remember the identity or if she  
21 was special ED. No.

22 Q. Do you know whether generally there is  
23 any requirement? I know you said this particular  
24 circumstance the reason that [REDACTED] was moved was

1     because [REDACTED] couldn't be moved because she was  
2     special ED.

3                     Do you know whether there's any  
4     requirement or that the person committing the act is  
5     the one to get moved versus the victim?

6             A.     Yeah. Typically you don't -- In any  
7     case, you know, bullying or whatever, you don't  
8     punish the victim by making them do something.  
9     Unless they want to. You know, until they  
10    voluntarily -- you know, they are the ones to say we  
11    want out, something like that.

12            Q.     Do you know where that comes from?

13            A.     I mean, plenty of training that I have  
14    had with bullying and everything else. That is a  
15    common message, that you don't punish the victim.

16            Q.     From the District?

17            A.     I would say that is probably part of  
18    their training, but, you know, in any training I  
19    have attended by the District and outside, it's kind  
20    of common knowledge you don't punish the victim.

21            Q.     And then it says you asked Ms. Divver  
22    to provide a written statement about the November of  
23    2014 incident. And why is that?

24            A.     Ms. Divver and Ms. Andrews were both



1 present at that -- for the November 14th incident.

2 Q. When you say "both present", meaning  
3 they both -- you think they both viewed what was  
4 happening, or?

5 A. I don't know if they both viewed what  
6 was happening, but I know they were both in the room  
7 and they both talked about it, so I wanted both  
8 their statements.

9 Q. Then it says at about 3:25 p.m. you  
10 contacted Ms. [REDACTED] to inform her that her son would  
11 receive an out-of-school suspension.

12 This was by phone?

13 A. Yes.

14 Q. Do you recall this conversation at all?

15 A. No.

16 Q. Then it says, I guess, 25 minutes later  
17 Mr. [REDACTED] contacted you?

18 A. Yes.

19 Q. Was that by phone as well?

20 A. Yes.

21 Q. It says that he and his wife did not  
22 feel the offense warranted this level of discipline  
23 and requested to speak to Dr. Santoro?

24 A. Yes.

1 Q. Do you recall this conversation with  
2 [REDACTED] [REDACTED]'s father?

3 A. Yes, I recall it. I mean, I recall  
4 having it, the content I don't, other than he was  
5 pretty -- he was pretty -- he has a very deep voice  
6 and he was very, very calm about it, you know, and  
7 just said they disagreed with it and, you know,  
8 wanted to speak to her about the -- because I wasn't  
9 going to overturn my decision.

10 Q. When he called he was trying to ask you  
11 to do something different?

12 A. He was asking that, you know, he felt,  
13 again, as it said, what -- They felt their son  
14 didn't warrant this kind of -- this level of  
15 discipline and wanted me to reconsider. Which I  
16 said, you know, I am not willing to reconsider and  
17 that, you know, if they needed to they could talk to  
18 Dr. Santoro about it, and that is what they did.

19 Q. Did they -- from what -- you said they  
20 felt that their son --

21 Did they feel he did something  
22 different than what was your understanding, if you  
23 know?

24 A. I think they felt it was more

1 consensual with the girls than what -- you know,  
2 than the girls felt it was, and you know, that  
3 probably at the time I felt it was.

4 Q. At the time you said the way that you  
5 felt it was. What did you feel at the time?

6 A. I think -- I think it was -- I -- I  
7 can't give you -- I can't give you a lot of detail  
8 about that, other than I felt what he did was wrong  
9 or else I wouldn't have suspended him.

10 Q. When you said that -- You also said  
11 that from what the girls said, do you recall  
12 something that [REDACTED] had -- I'm sorry, that [REDACTED]  
13 had said to you regarding whether it was consensual  
14 or she wanted it to happen or anything like that?

15 Do you remember anything?

16 A. No. Not necessarily, no.

17 Q. Okay. But just your general sense of  
18 what you got from them was that it was unwanted?

19 A. I think -- yes. I think that whether  
20 the first incident was consensual or not, I don't  
21 know, but I think that he should not have touched  
22 students and he did. And that is why it warranted  
23 that level of discipline.

24 Q. Do you know whether you or Ms. Vaszily

1 had talked to [REDACTED] about how she felt about the  
2 first incident?

3 A. I imagine we did. I don't recall what  
4 the conversation was.

5 Q. Okay. Then it says after you had  
6 talked to Dr. [REDACTED] Dr. Santoro called you about  
7 5:15 p.m. saying she also spoke with [REDACTED]'s  
8 parents, or the [REDACTED], and informed you that there  
9 would be a meeting at 8:30 on Tuesday. So, the  
10 following day to further discuss the consequences.

11 Do you remember that?

12 A. Yes.

13 Q. Do you recall anything about the  
14 conversation with Dr. Santoro other than what is  
15 mentioned here?

16 A. No, I don't recall.

17 Q. So, then, first thing Tuesday morning  
18 at 8:00 a.m. you had a meeting with Sergeant Ted  
19 Ciaola of the Upper Gwynedd Police Department, as  
20 well as -- was it [REDACTED] as well or just  
21 Officer --

22 A. No. Just Officer Ciaola.

23 Q. Tell me what you remember about the  
24 meeting with the detective.

1           A.     I remember that he came in, said that  
2     the parents had made a report, and he was here to  
3     discuss what information we had.

4           Q.     Did you discuss that with him?

5           A.     Yes.

6           Q.     Do you recall providing Detective  
7     Ciaola with any documentation?

8           A.     I do not believe I provided  
9     documentation.

10          Q.     Do you remember what you told him in  
11     that meeting?

12          A.     No.   I would have only relayed factual  
13     information.

14          Q.     When you say "factual information",  
15     meaning what?

16          A.     Any facts from the case I might have.

17          Q.     Like, just, this happened and then this  
18     happened or I was told this happened?

19          A.     Yep, correct.

20          Q.     Versus, like, your impressions or  
21     something?

22          A.     Correct.   Yep.

23          Q.     Do you recall what, if anything, ended  
24     up happening with Dr. Ciaola's (sic) investigation?

1           A.     I don't recall off the top of my head.  
2     Yeah, I don't recall. I know -- No, I don't  
3     recall. I am trying to help.

4           Q.     Do you recall ever having any further  
5     conversation or meetings with with Detective Ciaola?

6           A.     About [REDACTED] no, I don't recall.

7           Q.     Then at 8:30, about a half an hour  
8     later, Dr. Santoro met with you and Mrs. [REDACTED]

9           A.     Yes.

10          Q.     Then it says she also requested Leo  
11     McNeil, a social worker from Turning Points be  
12     allowed to listen in via her speakerphone?

13          A.     Yes.

14          Q.     Do you know what involvement Turning  
15     Points had in this situation?

16          A.     Something makes me think that it was a  
17     family member, but I can't recall for sure.

18          Q.     Like, Leo McNeil you thought was a  
19     family member of [REDACTED] [REDACTED]

20          A.     Yes. Something makes me think that's  
21     what the case was. The parent was a social worker --  
22     or the individual was a social worker and was a  
23     relative of the [REDACTED].

24          Q.     So, as far as you understood, it's not



1     that [REDACTED] was receiving, like, services from  
2     Turning Points or something, it was just somebody  
3     that the mom wanted to listen in?

4             A.     Right.

5             Q.     Then it says you had this situation  
6     discussed, the decision making process for the  
7     suspension, and then ultimately determined that  
8     [REDACTED] would have out of school suspension for  
9     Tuesday, April 14th, which was that present day, and  
10    an in-school suspension for the following day,  
11    Wednesday April 15th, due to an obscene gesture.

12                    Before having this meeting with Mrs.  
13    [REDACTED] and Leo McNeil from Turning Points on the  
14    phone, do you recall what the punishment was for  
15    [REDACTED] I know you said suspension, but do you  
16    remember what the punishment was gonna be?

17             A.     No, I don't recall.

18             Q.     Do you recall whether the suspension he  
19    got -- or the out-of-school suspension that day and  
20    the in-school suspension for the following day,  
21    whether that was a reduction or, like, a lesser  
22    punishment than what it had been the day prior?

23             A.     No. Typically if I were to flip-flop  
24    back and forth like that, it would be due to child

1 care issue, that maybe both parents had to work and  
2 no one would be home, so the child would then be  
3 home alone. And I would rather him in school where  
4 we can supervise him as opposed to being being home  
5 alone.

6 Being home alone for some kids is not a  
7 punishment. So, whenever I flip on something like  
8 this, it was probably because there was no one home  
9 to supervise him, not that I would lessen the  
10 consequences.

11 Q. Just so I understand. The prior  
12 discipline would have been two days out of school  
13 suspension?

14 A. Most likely, yes.

15 Q. Then you switched on the second day  
16 being in-school so that he wouldn't have just been  
17 home, potentially?

18 A. Correct. That is something I have done  
19 in the past. You know, where I might go for an  
20 out-of-school and the parent says, well, no one will  
21 be home so they're just gonna sit there. That's not  
22 sending a message we want, so I will change to  
23 in-school. So, for me to do something like that it  
24 would be because of child care.

1 Q. That's your pattern and practice?

2 A. Yes.

3 Q. Now, it says that this is because of an  
4 obscene gesture. What does that mean?

5 A. I don't recall.

6 Q. Is there something in, like, the  
7 Student Code of Conduct that, like, these things are  
8 obscene gestures?

9 A. Not that I recall.

10 Q. Is the touching a female student --  
11 Well, let me ask this.

12 This suspension, was it from [REDACTED]'s  
13 incident or the other girl's incident, or just a  
14 combination of both?

15 A. I can't -- I don't remember.

16 Q. Because I think in both instances he  
17 was touching a female student with his hand.

18 Is that an obscene gesture?

19 A. Um, I -- I don't -- I don't know why it  
20 was classified -- I don't know why I wrote obscene  
21 gesture. I don't know if that was what the Code of  
22 Conduct was at the time or what. I don't recall.

23 Q. So, when I think of an obscene gesture  
24 I think of somebody giving somebody the middle

1 finger or something like that. So, I mean, that's  
2 how I would understand. When I hear obscene gesture  
3 that is what I think of.

4 Is that something different, to your  
5 understanding, of the obscene gesture, as far as the  
6 District is concerned?

7 A. I don't recall what the obscene gesture  
8 was at the time. I understand your point of view,  
9 but I don't recall why I wrote obscene gesture  
10 there.

11 Q. Do you believe that under -- with what  
12 happened at the time, that that is an obscene  
13 gesture, what he did, or is it something different?

14 A. I don't recall. I mean, I don't know.

15 Q. Was there something at the time that  
16 was, whether it's a Student Code of Conduct or just  
17 something that you could punish the student for,  
18 for, like, sexual harassment or inappropriate  
19 touching, was that an option?

20 A. I don't know at that -- that time. I  
21 don't recall what the Code of Conduct would have  
22 said, so, I don't know. Maybe that is why I used it  
23 that level, to raise the level. I don't know.

24 Q. So, you are saying obscene gesture you

1 think was a more significant level than --

2 A. What I am saying is I don't recall why.

3 Q. Okay. Would you agree with me that an  
4 obscene gesture isn't really, I guess, in actuality  
5 what happened to these two girls?

6 A. I don't recall why I wrote that so I  
7 can't say for certain why.

8 Q. It says, in addition [REDACTED] would have  
9 his schedule altered so he would not be in class  
10 with either girl and at 10:00 a.m. Mr. [REDACTED]  
11 contacted me to discuss the outcome of the meeting  
12 with his wife and requested [REDACTED] be moved away  
13 from the girls.

14 Now, this is already something that was  
15 in place at this point, that [REDACTED] was gonna be  
16 moved away, right?

17 A. Yes.

18 Q. Or is this something different that the  
19 father is asking to move additional?

20 A. No, he is asking for the same thing  
21 that is happening. I think he is going on the  
22 record saying he wanted him moved.

23 Q. So, he is agreeing with your  
24 recommendation?

1 A. Correct.

2 Q. Now, at this point you are talking with  
3 Dr. Santoro to set up the meetings with Ms. Andrew  
4 and Ms. Divver; is that right?

5 A. Correct.

6 Q. Then it says at about 1:30 Ms. Vaszily  
7 and I also made a referral to the Child Line for the  
8 April incident.

9 Do you know why at this point you and  
10 Ms. Vaszily were reporting the April incident but  
11 not [REDACTED]'s November incident?

12 A. Nope, I don't recall.

13 Q. At the time, what [REDACTED]'s incident,  
14 involving [REDACTED] consisted of, do you believe that  
15 you should have referred it to Child Line?

16 A. Rephrase that question.

17 Q. Knowing what you knew at the time about  
18 what [REDACTED]'s incident consisted of, do you believe  
19 that you had -- that you should have been referring  
20 it to Child Line?

21 A. I think at that time we had the  
22 information and it is not our -- we are not the  
23 ultimate ones to decide. We're the mandated  
24 reporters so we felt we should at least report it.



1           Q.     But I think at this point it's just for  
2     the April incident.  Maybe I am misunderstanding  
3     your note.  When I read the April incident I am  
4     thinking the 1 with the other girl.

5           A.     I can't recall exactly.  It could have  
6     been just the other girl.  I don't recall.

7           Q.     Based on the information you had about  
8     [REDACTED]'s incident, would that have been something  
9     reportable to Child Line?

10          A.     Again, I can't recall, you know.

11          Q.     You don't remember what you knew at the  
12     time in terms of --

13          A.     Right.  I don't remember the details  
14     about what was relayed to us from [REDACTED] as well as  
15     the other girls, but I think Ms. Vaszily and I  
16     thought at the time, based upon the information we  
17     have, we should refer it to Child Line for further  
18     investigation.

19          Q.     Then it says at 3:30 you contacted both  
20     sets of parents to request permission to notify  
21     Mission Kids, and both parents declined our  
22     assistance.

23                     Do you recall the conversation that you  
24     had with [REDACTED]'s parents about this?

1           A.     No, I don't recall the conversation.

2           Q.     Do you recall that you had informed  
3     ██████'s parents about reporting it to Mission Kids  
4     and that they had said no?

5           A.     What I can recall is that my  
6     conversation with Officer Ciaola, that is where we  
7     had the initial discussion about involving Mission  
8     Kids. And at one point obviously there we, you  
9     know, said, hey, we would like to get Mission Kids  
10    involved, to have conversations about what, you  
11    know, what had transpired, and it says, both parents  
12    declined us notifying Mission Kids.

13          Q.     Do you know whether you needed the  
14    parents' permission to notify Mission Kids about a  
15    report?

16          A.     I don't recall if we need the parents'  
17    permission, but I think in an effort to work with  
18    parents, we often reach out to provide resources  
19    and, you know, instead of -- with the exception of  
20    Children and Youth, we often will call parents  
21    before we just refer services to them. So, I can't  
22    recall if we discussed just calling Mission Kids,  
23    but most likely we tried to develop that  
24    relationship with the parents.

1           Q.     To have the parents be the one, because  
2     you said you kind of referred to it as a resource, I  
3     think?

4           A.     No.    It says we called the parents to  
5     request permission to notify Mission Kids about the  
6     incident to see if they wanted to be involved, and  
7     both parents said no.

8           Q.     So, at that point when a parent says  
9     no, are you not, as far as your understanding, are  
10    you not permitted to make a report to Mission Kids  
11    on your own?

12          A.     I don't know if we were allowed to or  
13    not at that point because we already made the Child  
14    Line referral.

15          Q.     At that point you are contacted by Dr.  
16    Santoro to discuss details about the Thursday  
17    meeting and discuss the incident again.  And then  
18    you sent Outlook invitations to the teacher and it  
19    says, Ms. Cheryl McCue, North Penn Director of Human  
20    Resources, Dr. Santoro, and Alan Malachowski,  
21    President of the Teacher's Union.

22          A.     Yes.

23          Q.     Mr. Malachowski, is he somebody that  
24    would normally sit in on these meetings?

1           A.     He would sit in on it, yes, with  
2 teachers. Yes. He's the President of the Teacher's  
3 Union.

4           Q.     He would sit in with teachers, meaning  
5 anytime a teacher was in a meeting or anytime a  
6 teacher might be disciplined, he would get invited  
7 to a meeting?

8           A.     Might be discipline.

9           Q.     At this point going in to it, what were  
10 you thinking in terms of discipline? What teacher  
11 or for what?

12          A.     All I can recall is that I recall the  
13 teachers should have notified me of the original  
14 incident that occurred back in November, and their  
15 failure to do so was the topic of our meeting that  
16 was coming up.

17          Q.     Then on Wednesday the following day,  
18 this would have been [REDACTED]'s day of in-school  
19 suspension --

20          A.     Yes.

21          Q.     -- [REDACTED], you wrote, was in Ms.  
22 Vaszily's office visibly upset?

23          A.     Mm-hmm.

24          Q.     Do you remember going in and seeing

1       [REDACTED] in Ms. Vaszily's office on this day?

2           A.       Yes, I do recall, and she was upset.

3           Q.       Can you describe for me what you saw?

4       What do you mean by "she was upset"?

5           A.       She was crying.

6           Q.       Was it just her in the office or were

7       her parents there, too?

8           A.       No, just Ms. Vaszily and [REDACTED].

9           Q.       Did you talk to [REDACTED] at all, can you  
10       remember talking to her about, you know, why she was  
11       crying or what was -- I mean, other than just  
12       generally being about the incident, do you remember  
13       anything specific about why she was crying?

14          A.       No, I don't remember the conversation.

15          Q.       It says that Officer Ciaola contacted  
16       you again at 9:30 to tell you that there were  
17       potentially other girls involved, and requested that  
18       you interview the girls.

19                   Do you remember that conversation?

20          A.       No.

21          Q.       Do you remember interviewing other  
22       students about the other incident that may have  
23       happened, other than the two that we already talked  
24       about with [REDACTED]

1           A.     I don't recall it, no.

2           Q.     Now, earlier in the deposition you were  
3 talking about [REDACTED]'s incident and that was the  
4 only time that that had happened in the years at the  
5 school.

6                     Now, would you agree with me that there  
7 is now additional incidents that are happening with  
8 [REDACTED]

9           A.     I -- When I mentioned that earlier I  
10 was making a generalized statement that it is not  
11 [REDACTED], it is the issue with [REDACTED] and all of his  
12 -- all of his involvement.

13          Q.     So, you are saying the only issue that  
14 you dealt with in your time at North Penn was these  
15 series of incidents all involving [REDACTED]

16          A.     Everything listed in this document  
17 where I am referring to, because if you look at the  
18 sequence of dates, one after -- there are a couple  
19 of days in a row. So, I am lumping all of that into  
20 that incident. Yes.

21          Q.     Okay. I understand. So, it says Ms.  
22 Vaszily met with both of the girls and the third 6th  
23 grade girl identified, and it's blank here. So  
24 then, this is showing there was a third 6th grade



1 girl other than [REDACTED] and then the prior we were  
2 just speaking of.

3 Do you recall anything about that now  
4 that we have read through that sentence?

5 A. No.

6 Q. She reported to Ms. Vaszily that [REDACTED]  
7 touched her in the front and back of the bottom  
8 portion of her body. So, at this point, do you know  
9 whether this is something that is, as you described  
10 before, like, a minor incident or a major incident?

11 A. I mean, you are looking at all of this  
12 as major.

13 Q. All of these incidents that we were  
14 just talking about?

15 A. Well, I think because of the -- Yes.  
16 Yes.

17 Q. Then it says at 3:30 we made calls to  
18 Child Line for both [REDACTED] and blank. So, this kind  
19 of leads me to believe we talked about the first  
20 Child Line call that you made for the April  
21 incident. Then now at 3:30 you are making a call to  
22 Child Line for both [REDACTED] and blank.

23 So, would you agree with me by reading  
24 this that it appears in the first call you didn't --

1 the call wasn't about [REDACTED]'s incident, it was  
2 about the other girl; is that right?

3 A. I -- I don't recall.

4 Q. Okay.

5 A. I don't recall. I mean, why would I  
6 call -- I don't know. I don't recall.

7 Q. Was there anything that you learned at  
8 this point that was different, about what you had  
9 previously learned about [REDACTED] that made you call  
10 the Child Line regarding [REDACTED] at this point?

11 A. The only thing I can think of is  
12 whatever Officer Ciaola called me about.

13 Q. I'm just gonna go to the next page,  
14 which is 1019. It says notes from Betty Santoro.

15 That's Elizabeth Santoro, right?

16 A. Correct.

17 Q. Your supervisor?

18 A. Correct.

19 Q. So, I just want to go through this note  
20 as well to see if it refreshes any of the things  
21 that you remembered about the incident or things  
22 that we didn't already talk about.

23 It's talking about at around noon you,  
24 Bill Bowen, had informed her of an incident of

1 inappropriate touching of a sixth grade boy, [REDACTED]  
2 with a sixth grade girl, and then blank, which is  
3 the second incident, I assume, we are talking about,  
4 since the third I didn't come up at this point yet.

5 Is that your understanding?

6 A. Yes.

7 Q. And then that was shared with the  
8 guidance counselor that Friday and then it says the  
9 incident occurred before spring break, but the  
10 student reported it to KV. I assume that is Kristin  
11 Vaszily. Do you know?

12 A. Yes, it is.

13 Q. On 4/10, is spring break, is that the  
14 first week of April, typically?

15 A. Somewhere around there. Whatever  
16 Easter would have been around that time of the year.

17 Q. Then the next part is that you had  
18 called the parent on Monday morning to inform them  
19 of the incident that was shared by that female  
20 student and the parent was informed that the  
21 incident would be addressed and the necessary steps  
22 would be taken for disciplinary action with the male  
23 student.

24 Do you recall at all what your

1 conversation was with that parent, based on reading  
2 this?

3 A. No.

4 Q. It says the parent informed you that  
5 they would not be pursuing police action and were  
6 confident the school would handle this matter.

7 Do you recall the conversation you were  
8 having with the parent about what is written here?

9 A. No.

10 Q. Did you have a pattern or practice at  
11 the time when you are having a phone call with a  
12 parent of a student involving incidents like this,  
13 what you would talk to them about in terms of the  
14 case?

15 A. Can you rephrase the question? I  
16 didn't quite follow it.

17 Q. I assume you don't remember  
18 specifically what you told this parent about talking  
19 to the police or making a report to the police; is  
20 that right?

21 A. Yeah, I don't recall the conversation.  
22 Yes, I don't recall.

23 Q. So, did you have a pattern and practice  
24 at that point in when you are informing students,

1    whether it's [REDACTED]'s parents or this particular  
2    student's parents, would you talk to them all about  
3    whether to make a report to the police or whether  
4    the school was going to do so?

5           A.     Sometimes I would.   Depending on the  
6    age, issue --

7           Q.     And what -- I apologize.

8                   THE COURT REPORTER:   I'm sorry.  
9           Depending on what?

10                   THE WITNESS:   Sometimes I would talk to  
11           parents about contacting police.   It would  
12           depend on the incident.

13   BY MS. LAUGHLIN:

14           Q.     In incidents like these that we are  
15    talking about, and these, you know, [REDACTED] and this  
16    other girl, did you have in your pattern or practice  
17    something that you would have said to them about  
18    contacting the police?

19                   MS. JORDAN:   Note my objection to the  
20           form of the question.   You can answer.

21                   THE WITNESS:   Since this is the only  
22           incident, I don't have a pattern or practice,  
23           so I can't answer that, you know.

24   BY MS. LAUGHLIN:

1           Q.     Right here I want to direct you to this  
2 line. This is kind of talking about your  
3 conversations with [REDACTED]'s parents and [REDACTED]'s  
4 incident. It says he, meaning you, Mr. Bowen,  
5 stressed that this personnel matter would be  
6 handled.

7                     Do you recall whether there was any  
8 kind of, like, push back or inquiry in to, like, how  
9 you were gonna handle the situation, from the  
10 parents?

11           A.     No, there was no push back. I think  
12 they were -- I remember Colin (ph) being upset that  
13 it was not reported back in November, and that we  
14 told them that they we would handle it as a  
15 personnel matter.

16           Q.     Okay. Did you explain for them what  
17 that meant, handling it like a personnel matter?

18           A.     No. That is pretty much what they were  
19 told.

20           Q.     The next thing it says, supports and  
21 counseling would be put in place for both female  
22 students.

23                     Do you recall what supports or  
24 counseling, if any, were put in place for [REDACTED]?



1           A.     What would have been in place is that  
2 they would have had access to the guidance counselor  
3 to talk about it at any point should she need it.

4           Q.     Do you know whether that was something  
5 that was just discussed with the parents or if  
6 [REDACTED] was informed of that?

7           A.     I don't recall.

8           Q.     It says at that time the parents did  
9 not want the school to discuss this matter with  
10 their daughter, and the [REDACTED] were leaving to  
11 file a report with Gwynedd Police Department.

12                   Do you recall anything about the  
13 conversation that says that the [REDACTED] did not  
14 want the school to discuss this matter with their  
15 daughter?

16          A.     No, I do not.

17          Q.     Now, it says the next thing from Dr.  
18 Santoro's summary is that you met with Mr. and Mrs.  
19 [REDACTED] to discuss both incidents of inappropriate  
20 touching with their son and two fellow female 6th  
21 grade students. It says [REDACTED] admitted to the most  
22 recent one in April, put his hands up blank, the  
23 second's girl shirt.

24                   Then it says Mr. Bowen did not address

1 the November incident with [REDACTED] at this point  
2 since he was still waiting for the teacher's  
3 statement. Mr. Bowen indicates to the [REDACTED] that  
4 he would be moving [REDACTED]'s section, with other  
5 discipline would occur after gathering more  
6 information and he would call the [REDACTED] back at the  
7 end of the day.

8 Is that your recollection, that when  
9 you talked to [REDACTED] and his mother in that initial  
10 meeting that you only talked to them about the  
11 second incident and didn't mention [REDACTED]'s  
12 incident?

13 A. I don't recall.

14 Q. We had gone over your summary just a  
15 moment ago.

16 A. Mm-hmm.

17 Q. Based on your summary, is it your  
18 understanding that you would have talked to him  
19 about both incidents?

20 A. Honestly, I don't recall. I don't know  
21 if I would have talked to them both (Sic).

22 Q. Okay. It says HR was briefed on the  
23 incident, as well as the Superintendent and  
24 Assistant Superintendent. HR, that would have been

1 Cheryl McCue?

2 A. Yes.

3 Q. And then who is the Superintendent and  
4 Assistant Superintendent who were briefed on this  
5 issue, if you know?

6 A. The Superintendent was Dr. Curt  
7 Dietrich and Assistant Superintendent was Diane  
8 Holben.

9 Q. Do you remember whether you were the  
10 one informing Dr. Dietrich or whether it was Dr.  
11 Santoro?

12 A. I -- I don't know. I would assume it  
13 was Dr. Santoro.

14 Q. Okay. Then it says Mr. and Mrs.  
15 [REDACTED] came to the ESC, that was the school  
16 building you mentioned before, to meet with the  
17 Superintendent at, approximately, 2:30.

18 So, they were meeting with Curt  
19 Dietrich; that's your understanding?

20 A. That is what it says, yes.

21 Q. Did you have any conversation that you  
22 can recall with Dr. Dietrich or Dr. Santoro about  
23 these two independent conversations that Mr. and  
24 Mrs. [REDACTED] had with either Dr. Dietrich or Dr.

1 Santoro?

2 A. I do not recall.

3 Q. Then it summarizes, the parents express  
4 the following concerns: One, that is [REDACTED] was the  
5 victim of child abuse that occurred when she was  
6 five years old. It says the school counselor and  
7 Ms. Andrews were aware of the child abuse and had  
8 worked with the parents on support throughout the  
9 years.

10 Are you familiar with any of the  
11 supports that [REDACTED] received from Ms. Vaszily or  
12 Ms. Andrew throughout the years --

13 A. No.

14 Q. -- based on this?

15 A. No. Sorry.

16 Q. That is okay. At the bottom of No. 2  
17 it talks about Dr. Santoro saying that the  
18 [REDACTED] are concerned with the moral and  
19 ethical attitude of these teachers to disregard  
20 addressing this issue. Meaning the November  
21 incident and not reporting it.

22 Do you recall having any conversations  
23 with Dr. Santoro about raising, you know, the bigger  
24 issue of the moral and ethical attitudes of these

1 teachers with [REDACTED]'s incident?

2 A. We had discussions about them not  
3 reporting it, yes.

4 Q. Can you recall for me the discussions  
5 that you had?

6 A. That they failed in their  
7 responsibility and that we were going to make sure  
8 that on their evaluations we were gonna mark down  
9 their performance.

10 Q. When you say "they" are you talking  
11 about Ms. Divver and Ms. Andrew?

12 A. Yes.

13 Q. So, here it talks about, this is later  
14 on that afternoon. Dr. Santoro is saying she spoke  
15 with you again to share/ fill you in on her  
16 conversation with the [REDACTED]. Then you  
17 discussed the level of discipline for [REDACTED] based  
18 on the information that you had at the time.

19 And then it says, based on the fact  
20 that [REDACTED] admitted to putting his hand up blank's  
21 shirt, a three-day out-of-school suspension was  
22 given, and that you had indicated to Dr. Santoro  
23 that you would call the [REDACTED] to let them know  
24 about the discipline.

1                   So, at this point does that refresh  
2 your memory at all? I know we had talked about him  
3 only have a having a two-day suspension.

4                   Do you remember about it being a  
5 three-day suspension prior?

6           A.     No, I don't recall that.

7           Q.     Are you surprised? I mean, you kind of  
8 -- the way -- by the inflection in your voice, are  
9 you surprised by that?

10          A.     No, I just don't recall it. I did not  
11 see -- I have not seen this document so this is the  
12 first time I am seeing it as well. I don't recall  
13 ever having a conversation that [REDACTED] had a  
14 three-day out-of-school suspension, so.

15          Q.     Then it says around 4:15 Mrs. [REDACTED]  
16 called and left me a message that she wanted to  
17 speak to me about the three-day suspension and then  
18 Dr. Santoro talked to her, I guess, at 5:00.

19                   And then Dr. Santoro said she was  
20 explaining to [REDACTED]'s mom that this was a  
21 level-three discipline matter and that the  
22 discipline warranted out of school.

23                   When it says level-three discipline  
24 matter, do you know what that means?



1           A.     That is in our Student Code of Conduct.

2           Q.     Did you agree at this time that it was  
3     a level-three discipline matter?

4           A.     I would have to look back at what the  
5     Code of Conduct says to verify that.

6           Q.     Then it says that she felt, meaning Ms.  
7     ██████ felt she was misinformed that morning in the  
8     principal's office and was under the impression that  
9     no other discipline would occur. Then she asked if  
10    she could meet with you and Ms. -- sorry Dr. --

11          A.     Santoro.

12          Q.     Thank you. -- Dr. Santoro the  
13    following morning to discuss the matter again for  
14    clarity?

15          A.     Right.

16          Q.     Do you recall there being a  
17    miscommunication between ██████'s parent that is  
18    referred here by Dr. Santoro?

19          A.     Nope, I don't recall that.

20          Q.     Then the following Monday she recalls  
21    about you and Dr. Santoro meeting with Mrs. ██████  
22    about an hour reviewing the conversation that you  
23    had with Mrs. ██████ the previous day.

24                 It says that Mrs. ██████ felt her son's

1 behavior deserved consequences, but that this type  
2 of behavior is normal for 12-year-old boys.

3 Do you recall this part of the  
4 conversation?

5 A. No, I don't recall it.

6 Q. At the time, your impression, safe to  
7 say, is that this was not normal for 12-year-old  
8 boys; is that right?

9 A. I don't recall.

10 MS. JORDAN: Note my objection to the  
11 form of the question. You can answer.

12 BY MS. LAUGHLIN:

13 Q. Go ahead.

14 A. I don't recall the conversation or the  
15 facts of it. So, you know, what is being viewed  
16 here, I don't recall what, you know -- I don't  
17 recall the details around it, so I can't answer  
18 that.

19 Q. You don't recall the details involving  
20 the [REDACTED] and [REDACTED] incident?

21 A. Right. What I recall is that the  
22 teachers relayed to me they felt it was consensual.  
23 I don't remember. What is stated here is that the  
24 [REDACTED] must have felt it was consensual. I don't

1 remember that being stated. I don't remember the  
2 conversation, but that is obviously what's been  
3 stated here.

4 Q. When you say "it was consensual", do  
5 you remember what "it" was?

6 A. I am assuming [REDACTED]'s hand up [REDACTED]  
7 shirt back in November.

8 Q. So, you do have an understanding,  
9 because I think you were just saying, like, you  
10 didn't really -- You do not recall what the incident  
11 was. You have an understanding it was him putting  
12 his hand up her shirt?

13 A. I apologize if that's the impression I  
14 gave, that I don't understand what happened. I do  
15 understand that that is what happened. I don't  
16 understand -- I don't recall the conversation of Ms.  
17 [REDACTED] saying that this was normal or anything that  
18 is written there. I don't remember that  
19 conversation. I remember what was the incident that  
20 occurred.

21 Q. At the time then in your, you know,  
22 '14-'15 school year, do you believe that it was  
23 normal for a boy to be putting his hand up a girl's  
24 shirt in the sixth grade?

1 MS. JORDAN: Note my objection to the  
2 form of the question. You can answer.

3 THE WITNESS: No, it is not  
4 appropriate, as I think it is stated in my  
5 written -- in my written notes that it was  
6 inappropriate, you know, behavior that  
7 occurred.

8 BY MS. LAUGHLIN:

9 Q. Okay. Do you recall anything about Ms.  
10 [REDACTED] requesting that the girls be punished for  
11 this?

12 A. No, I don't remember that.

13 Q. Is there anything you recall about this  
14 meeting with Mrs. [REDACTED] and Dr. Santoro that we  
15 didn't already talk about?

16 A. No.

17 Q. This second paragraph here where it  
18 says No. 2.

19 A. Mm-hmm.

20 Q. Right here it is talking about the  
21 incident in April with, like, the second girl we had  
22 referred to and --

23 A. Correct.

24 Q. -- towards the bottom it talks about

1 Kristin, Ms. Vaszily, indicated that the girl  
2 reached out to some friend via social media and they  
3 told her to tell someone.

4 Do you recall anything about that?

5 A. No, I don't recall it.

6 Q. I am gonna highlight this right here  
7 and I want to give a clarifying instruction before I  
8 ask you a question. I am not asking you what  
9 Mr. Somers, who is also in the deposition here  
10 today, told you or said to you or whatever in this  
11 meeting, but I just want to ask.

12 It says Bill, Kristin, and I did a  
13 conference call with Kyle Somers, the District  
14 attorney, to brief him on the situation. And Bill  
15 is you, Kristin Vaszily, and Dr. Santoro is who they  
16 are referring to.

17 Is that typical practice when an  
18 incident occurs that you would have a conference  
19 call with the District attorney?

20 A. No.

21 Q. Was there something different about  
22 this incident that --

23 Do you know who was the person who  
24 contacted the attorney or did the attorney contact

1     you guys?

2             A.     I don't know.

3             Q.     Are there certain times that the  
4     District attorney --

5                     Do you know how the District's attorney  
6     got involved in this situation?

7             A.     No, I do not.

8             Q.     This part about the email from Ms.  
9     [REDACTED] to Dr. Santoro, um --

10            A.     Yes.

11            Q.     -- do you recall ever seeing that email  
12     or discussing that email with anybody?

13            A.     I don't recall.

14            Q.     It says here Mrs. [REDACTED]'s  
15     requesting a TOA. Do you know what specifically  
16     that stands for?

17            A.     That is called a transfer of  
18     attendance. That is a request to go to a different  
19     building than you are normally assigned to.

20            Q.     Okay. Normally assigned to meaning,  
21     would all of the students from Gwynedd Square be  
22     filtered into the same middle school, typically?

23            A.     Typically, yes.

24            Q.     Ms. [REDACTED] is requesting a



1 transfer from the normal middle school to a  
2 different middle school?

3 A. Yes.

4 Q. Were you aware of Mrs. [REDACTED]  
5 requesting that?

6 A. I was told by Dr. Santoro, yes.

7 Q. Did Dr. Santoro explain to you how that  
8 came about?

9 A. I believe she told me that Mrs.  
10 [REDACTED] requested it.

11 Q. Did you have any conversation with Mrs.  
12 [REDACTED] or Mr. [REDACTED] or [REDACTED] about their  
13 request to transfer to a different middle school?

14 A. I don't recall.

15 Q. Do you remember having any conversation  
16 with Dr. Santoro about the [REDACTED]'s request  
17 that [REDACTED] be transferred to another middle school?

18 A. No, I don't. Prior to it being done,  
19 no.

20 Q. What about after it had been done, did  
21 you have any conversations then?

22 A. No. The only conversation I recall  
23 having was that Dr. Santoro telling me that she  
24 would be going to Penn Brook.

1           Q.     Did you ask any questions? Like,  
2     considering you were saying that normally it is not  
3     the victim who is, like, moved or, you know,  
4     uprooted, it is the other person, did you raise any  
5     issue or question to Dr. Santoro about that?

6           A.     Nope.

7           Q.     Why not?

8           A.     Because, honestly, it's a middle school  
9     matter.

10          Q.     So, they are going to a different  
11     level. You are elementary school level. So, not  
12     your --

13          A.     Right. It's not my decision nor is it  
14     is my building, and I don't remember when the  
15     decision was made.

16          Q.     I think it was first requested in  
17     April.

18          A.     It was requested in April, but I don't  
19     know when the final decision was made.

20          Q.     You said the "decision was made",  
21     meaning approval from the District?

22          A.     Right. I don't know --

23          Q.     Is that something --

24          A.     I don't know who approves. The TOAs at

1 the elementary are approved by Dr. Santoro. I don't  
2 know who approves the TOAs for the middle school  
3 level. So, that is why I don't know.

4 Q. Now, on that Wednesday, which would  
5 have been the day that [REDACTED] is having the  
6 in-school suspension, Dr. Santoro is saying that  
7 Mrs. [REDACTED] informed them they talked to [REDACTED]  
8 about this incident, and this is the highlight of  
9 what she got from Mrs. [REDACTED].

10 [REDACTED] admitted in November that [REDACTED]  
11 touched her under her clothes, up her skirt, and  
12 down her pants.

13 Do you recall this additional  
14 information about it also being down [REDACTED]'s pants?

15 A. No.

16 Q. Do you believe that is something that  
17 you would have been informed of at the time?

18 A. Yes.

19 Q. If you had been informed of that at the  
20 time, is that something that you would have  
21 investigated in addition to what you were already  
22 investigating with the up-the-shirt touching?

23 A. Yes.

24 Q. If this was something that you had been

1 informed of at the time, would that have been  
2 something that you would have written about in your  
3 summary?

4 A. Yes.

5 THE WITNESS: Can I have a minute to  
6 talk to you privately? Just talk to you.

7 MS. JORDAN: You have to answer the --

8 THE WITNESS: I did.

9 MS. JORDAN: Yes, we can take a  
10 five-minute break. Yeah, it's also, like,  
11 12:53 now. I don't know if you need to eat  
12 lunch or what.

13 THE WITNESS: I prefer to keep going.

14 MS. LAUGHLIN: Okay. Is everybody okay  
15 with that?

16 MS. JORDAN: We will just take a  
17 five-minute break.

18 MS. LAUGHLIN: Okay.

19 - - -

20 (Whereupon, a break was taken.)

21 - - -

22 MS. LAUGHLIN: I will just share my  
23 screen again. Can you me see my screen?

24 THE WITNESS: Yes. Good. Are you guys

1 good?

2 MS. JORDAN: Yes.

3 BY MS. LAUGHLIN:

4 Q. We were just talking about Dr. Santoro,  
5 and kind of going through it to see if it has some  
6 additional information, compared to your summary we  
7 have just gone over, whether that helps to refresh  
8 your memory at all as to what was happening at the  
9 time.

10 That Wednesday we just talked about how  
11 [REDACTED] admitted that in November [REDACTED] touched her  
12 under her clothes, up her shirt, and down her  
13 pants.

14 I think you were saying you don't  
15 independently recall the addition of the down her  
16 pants being the case?

17 A. No, I don't recall that.

18 Q. [REDACTED] had also indicated to Dr.  
19 Santoro, according to her notes, that the girls  
20 expect this from [REDACTED] and this touching has been  
21 going on since fourth grade.

22 Is this something that you were aware  
23 of at the time?

24 A. No.

1           Q.     Do you recall whether you were aware of  
2     this at the time?

3           A.     No.

4           Q.     If this was something that you were  
5     aware of at the time, that [REDACTED] has been touching  
6     girls since the fourth grade, is that something that  
7     --

8                     Would you have done anything different  
9     other than what you have done in this investigation?

10          A.     Yes.

11          Q.     What would you have done differently?

12          A.     I would have been much more aggressive  
13     in the investigation, as well as the consequences.

14          Q.     So, do you believe that if Dr. Santoro  
15     knew this information, that that wasn't communicated  
16     to you?

17          A.     Yes.

18          Q.     As far as you know, was [REDACTED] an  
19     elementary school student at Gwynedd Square in  
20     fourth and fifth grade, as well as sixth?

21          A.     I believe he was, yes.

22          Q.     [REDACTED] told Dr. Santoro that she  
23     witnessed another girl being touched and then she  
24     lists the two names of these girls.



1                   Do you recall anything about these two  
2 other girls being involved as people being touched  
3 by [REDACTED] at your school?

4           A.     I do not.

5           Q.     Do you recall anything about [REDACTED]  
6 being afraid of [REDACTED]

7           A.     No.

8           Q.     Do you recall asking [REDACTED] at all  
9 about whether she was afraid of [REDACTED]

10          A.     No, I don't recall.

11          Q.     Would that have been something that you  
12 would have done, or you think you would have done at  
13 the time?

14          A.     Yes.

15          Q.     Why do you think that, that you would  
16 have done that?

17          A.     I just think it's a question I would  
18 have asked, obviously, to make sure she was safe in  
19 school.

20          Q.     It says at this point that after  
21 receiving this additional information that they were  
22 gonna -- she was going -- Dr. Santoro was going to  
23 talk to Detective Ciaola again so he could inform  
24 Mission Kids.

1                   Do you recall whether Detective Ciaola  
2   was in touch with Mission Kids at all?

3           A.     I don't recall. I would think he would  
4   be, but I don't recall.

5           Q.     Because I know when we talked about  
6   whether you were going to report, because the  
7   parents declined, you weren't going to?

8           A.     Correct. I -- I don't recall. I would  
9   be guessing. I would be guessing.

10          Q.     Okay. It says that Dr. Santoro  
11   reported the new event to Dr. Holben and they did a  
12   conference call with you.

13                   Do you recall this conference call at  
14   all?

15          A.     No, I don't.

16          Q.     Do you recall why Dr. Holben was  
17   brought into the conversation at this point?

18          A.     No. She is the assistant  
19   superintendent. Was. Was.

20          Q.     Okay. So, at this point it's now,  
21   would you agree with me, gone up the chain in terms  
22   of the --

23                   Well, do you know what the new event  
24   was she was referring to?

1           A.     I am assuming what she shared with her  
2     on -- you know, in the previous 1 through seven.

3           Q.     That this has been going on? Like, one  
4     of the things is, this has been going on since the  
5     fourth grade?

6           A.     Yes, I would assume so.

7           Q.     Would you agree with me at this point,  
8     based on these notes, that Dr. Holben is now also  
9     aware of what's going on in one through seven?

10          A.     I don't know what was relayed in the  
11     conversation.

12          Q.     Because you just don't remember?

13          A.     Well, I wasn't part of that  
14     conversation so I don't know what Dr. Holben was  
15     told, nor was some of that information told to me.

16          Q.     Okay. Because it says here we did a  
17     conference call to you?

18          A.     Correct.

19          Q.     So, you just don't remember, or are you  
20     disagreeing that the conference call took place  
21     between --

22          A.     No, I don't remember the conference  
23     call taking place.

24          Q.     But you are not disputing that a

1 conference call may have taken place?

2 A. A conference call may have taken place,  
3 sure. I just don't recall it.

4 Q. This bullet point here where my cursor  
5 is, the third from the bottom, it says, we then  
6 called you, Bill Bowen, again, and asked him to call  
7 the parents of both girls that have been newly  
8 identified, and let them know their names came up in  
9 an investigation, and that the counselor would be  
10 asking them questions about inappropriate touching.

11 Do you recall having conversations with  
12 now these additional two girls or their parents?

13 A. No, I do not. I recall calling one  
14 parent. I do not recall the other parent nor do I  
15 remember what exactly was said.

16 Q. When you say you recall calling one  
17 parent, I know you are not gonna remember the name  
18 of the person anyway, but you were kind of talking  
19 about [REDACTED] being first, then there was a second,  
20 then there was a third, and now there is two  
21 additional girls that have been identified.

22 What call -- What parent do you  
23 remember calling?

24 A. I remember calling Quimby's mom because

1 I remember there were other issues going on in  
2 addition to this when I made the phone call.

3 Q. Quimby was one of the last two students  
4 identified?

5 A. Yes, the note there states it. Yes.

6 Q. Do you recall at all the conversation  
7 that you had, not in terms of maybe her other  
8 issues, but specific to what was going on with

9 [REDACTED]

10 A. Who am I speaking with? I don't recall  
11 your question.

12 Q. Quimby's mom.

13 A. I remember this conversation because I  
14 remember that there were other issues going on with  
15 the young lady and the mom was very dismissal of my  
16 phone call.

17 When I told her I would be  
18 investigating she, basically, was like, okay.  
19 Thanks. Bye. Which caused concern for the other  
20 issues related to that girl, which, I guess,  
21 substantiates some of the concerns. So, that is why  
22 I remember that girl.

23 Like I said, so few that I can remember  
24 some of them, but some of the details, you know,

1 it's been seven years almost.

2 Q. Okay. Then it says, at 3:00 p.m. Bill  
3 Bowen informed me, meaning Dr. Santoro, that one of  
4 the students, blank, did admit to being touched. It  
5 says top, and it's crossed out, front and back and  
6 bottom by [REDACTED] in fifth grade. Then it says --

7 So, she is saying that you are the one  
8 that informed her about [REDACTED] touching somebody in  
9 fifth grade?

10 A. I don't recall that.

11 Q. I know you don't recall, but do you  
12 disagree that that happened or you just can't  
13 remember?

14 A. I can't remember.

15 Q. Then it says you are following up with  
16 the parent of the student and Ted Ciaola. It says  
17 all of this has been reported to Child Line.

18 Do you recall whether you were the one  
19 to -- When it says all of this has been reported to  
20 Child Line, were you the one who made the calls or  
21 did other people; if you know?

22 A. I believe Kristin Vaszily and I called  
23 together.

24 Q. Do you recall how many phone calls you



1     made to Child Line?

2             A.     I believe it was two separate ones.

3             Q.     Do you recall what the difference was  
4     between the two different calls that you made?

5             A.     No, I don't remember.

6             Q.     Do you recall why you had to make two  
7     separate calls?

8             A.     I would assume two separate children.

9             Q.     When you are saying two separate  
10    children, I mean, we just went over five different  
11    children. It says here in Dr. Santoro notes all of  
12    this has been reported to Child Line?

13            A.     I guess I should say separate children,  
14    not two. They were separate children, that is why  
15    there would be separate calls.

16            Q.     I think you are saying you recall two  
17    calls. Do you think you made two calls for the five  
18    separate children or --

19            A.     I --

20            Q.     Hold on. Let me finish my question so  
21    the court reporter can take it down.

22            A.     I apologize.

23            Q.     Since we have identified five different  
24    girls, do you recall whether it would have been five

1 separate calls or do you believe that one of the  
2 calls you made you were reporting multiple victims?

3 A. What I am saying is, in my notes it  
4 said [REDACTED] and the name was redacted. So, that is  
5 why I am saying two. I don't remember how many  
6 calls we made. I am going off what my notes said.

7 Q. Okay. Now I am going to show you, I  
8 know this isn't your notes, this is Kristin  
9 Vaszily's notes from that, I believe it was Tuesday  
10 April 14th. The day [REDACTED] would have had the  
11 out-of-school suspension, and this is her, kind of,  
12 recounting.

13 Seems like you made a summary. Ms.  
14 Vaszily is making a summary. You had asked Ms.  
15 Andrew to make a summary as well, as Ms. Divver to  
16 make a summary.

17 Are those things that you are all  
18 asking to be compiled as part of the investigation  
19 you are doing?

20 A. Yes.

21 Q. Are these things that you had asked  
22 reports to be made on?

23 A. Yes.

24 Q. Why did you have them do written

1 summaries as opposed to having a meeting about it?  
2 I know you had some meetings too, but why did you  
3 request a written statement from them?

4 A. My training as a military police  
5 officer, we always got written statements. That is  
6 something I have always done as a Principal.

7 Q. So, when they are all drafting up these  
8 reports and typing these reports to present to you,  
9 do you know if anybody had reviewed them or edited  
10 them before they made it into your hands?

11 A. Not to my knowledge.

12 Q. Once you received them, did you make  
13 any edits or suggestions to change any of them?

14 A. No, I -- I never made or request a  
15 change nor did I change anything.

16 Q. Okay. So, this is kind of summarizing  
17 about the other student, student No. 2 that had been  
18 touched by [REDACTED] in April, and then it talks about  
19 the same thing right here. It had described the  
20 incident about watching a movie and that [REDACTED] had  
21 touched her multiple places and then the girl was  
22 very upset. It says, after I walked her back to  
23 class Ms. Divver handed me the Behavioral Referral  
24 Form for [REDACTED]

1                   What is the Behavioral Referral Form?

2           A.     The document you showed -- the Office  
3 Referral Form. That is the document you had, kind  
4 of, quickly showed.

5           Q.     We will get back to that.

6           A.     Yep.

7           Q.     So, the Behavioral Referral Form is the  
8 same as an Office Referral Form?

9           A.     Yes. Two terms used interchangeably.

10          Q.     So, this is -- Ms. Divver had a  
11 Behavioral Referral Form for this incident.

12                   Is that your understanding?

13          A.     I believe that's what it says there,  
14 yes.

15          Q.     Let me go to the next. I am  
16 referencing Bates No. 1010 of the North Penn  
17 production. These are notes from a meeting that  
18 occurred on April 16, 2015. It looks like these are  
19 your notes. Have you seen these --

20          A.     They are not --

21          Q.     -- prior to today?

22          A.     They are not my notes.

23          Q.     It says note from Bill Bowen. These  
24 aren't your notes?

1           A.     I don't -- I don't remember seeing  
2     these.

3           Q.     I just want to kind of scroll so you  
4     can see the only whole thing.  I'm not just showing  
5     you a portion.

6           A.     Yeah.  Go ahead.

7           Q.     We will go through it, but just so you  
8     can kind of see what it looks like.

9                   MS. LAUGHLIN:  (Scrolling down).

10          BY MS. LAUGHLIN:

11          Q.     Do you remember the document?

12          A.     I don't -- I don't recall ever seeing  
13     this.

14          Q.     You don't think that these are your  
15     notes?

16          A.     I don't think they are.  No, because if  
17     you notice under Cheryl McCue, I -- I don't know.  I  
18     don't know.  I just don't think they are my notes.

19          Q.     You said under Cheryl McCue.  Is there  
20     something that makes you think this isn't yours?

21          A.     Yeah, Bill could have followed up.  Why  
22     would I write that about myself?

23          Q.     Meaning in first person or that you  
24     wouldn't have written that you could have followed

1 up?

2 A. Why would I write in first person? So,  
3 this is -- To me this is Cheryl saying I should have  
4 followed up. So, I don't remember ever seeing this.

5 Q. Okay. Do you know whose handwriting  
6 this is?

7 A. I can't say for certain, no, but to me  
8 this looks like minutes from the Union meeting,  
9 because it says attendees, Ruth, Alan, Betty, Bill,  
10 and Cheryl. So, I don't know -- Yeah, I don't  
11 know.

12 Q. Do you --

13 A. They are not my notes.

14 Q. Was this a Union meeting that was  
15 scheduled specifically involving this incident or is  
16 this just a union meeting that was occurring?

17 A. This was a meeting scheduled in  
18 response to the failure to report from November.

19 Q. So, I just want to go through these  
20 notes with you.

21 A. Yeah, because I know you are gonna go  
22 through them with me, but Holly felt she should have  
23 gone to Bill now that she is thinking about it.  
24 These are not my notes for sure.



1 Q. Do you recall that happening?

2 A. Oh, yeah, she said that. Yeah.

3 Q. Do you have an independent recollection  
4 of this meeting that occurred then?

5 A. I have a recollection of the one union  
6 meeting that I attended. Yes.

7 Q. So, as far as you know, that is this  
8 one?

9 A. I would think so, yes.

10 Q. So, rather than, I think, going through  
11 and being like, what do you remember, because it  
12 sounds like you don't have an independent -- a good  
13 independent memory to be able to say this person  
14 said this and then I said that and this wasn't --

15 A. No, I would not have the memory to say  
16 that.

17 Q. So, I am going to go through these  
18 notes with you --

19 A. Sure.

20 Q. -- and kind of ask you about it. Do it  
21 that way instead.

22 A. Okay.

23 Q. If you don't remember you don't  
24 remember, but at the top it starts with Ruth

1 Divver. I am sorry. At the top where it says  
2 attendee, Ruth; that is Ruth Divver?

3 A. Yes.

4 Q. Alan, that is --

5 A. Malachowski.

6 Q. Yeah, thank you. The Polish last name,  
7 and then Dr. Santoro; correct?

8 A. Correct.

9 Q. You and then Cheryl McCue?

10 A. I am assuming so, yes. Looks like that  
11 is what it says.

12 Q. Looks like C-M-C?

13 A. Yes. That is what I think it says too.

14 Q. Do you know if this is summarizing what  
15 people are saying in the meeting?

16 A. I think what it says -- Those are what  
17 she is saying based upon the notes from me. That is  
18 why there is a separate squiggly line for maybe  
19 another meeting.

20 Q. Okay. I see what you are saying, or  
21 that Ruth isn't present. Like, Ruth is present for  
22 this part of the meeting. Do you recall that at  
23 all, where Ruth was part of the meeting, given her  
24 --

1           A.     Both teachers had a meeting  
2 separately. That was part of the initial meeting  
3 for both. That was it.

4           Q.     That makes sense, because the  
5 attendees, Ruth is listed at first and then the  
6 second part below the squiggly line Holly is listed  
7 in place of Ruth?

8           A.     Yep.

9           Q.     I understand. So, at this point this  
10 is Ruth at the meeting explaining what she  
11 recalled. Is that your understanding of what was  
12 happening at that meeting?

13          A.     Yes.

14          Q.     It says, this is November of 2014,  
15 which would have been [REDACTED]s because it was in  
16 Ruth's room. Holly took both students, meaning  
17 Holly Andrews?

18          A.     Yes.

19          Q.     Took both students out in the hallway  
20 for something that happened at the back table, and,  
21 in quotes, Holly took care of it. Holly filled out  
22 the discipline form and trusted Holly was taking  
23 care of it. Ruth didn't know the specifics.

24                 Ruth indicated she knew there was a

1 discipline issue but not the details. And then  
2 Ruth, in quotes, Ruth never pursued the  
3 inappropriate behavior.

4 When it is in quotes, do you know who  
5 is referring -- Like, who is saying these things?

6 A. No.

7 Q. Do you recall, other than what we just  
8 went over, Ruth explaining to you what had happened  
9 during this?

10 A. I remember Ruth telling me that she  
11 thought Holly took care of the situation.

12 Q. What did she think Holly did to take  
13 care of it?

14 A. That I don't -- I think she thought  
15 Holly reported it to me, but she didn't.

16 Q. Meaning, like, gave you the Office  
17 Referral Form?

18 A. Correct.

19 Q. Okay. When you are given an Office  
20 Referral Form from a teacher, can it be, like, a  
21 special ED assistant? Like --

22 A. Yes, sometimes.

23 Q. And --

24 A. Any --

1 Q. -- it --

2 A. Any adult can provide it. Cafeteria  
3 assistant, bus driver. Anybody can do an Office  
4 Referral Form. Sorry.

5 Q. Is there any -- I know you said if  
6 it's, like, a minor incident or something that  
7 sometimes the teacher might just keep it.

8 Would you ever know if a teacher ever  
9 kept, like, files on a student or Office Referral  
10 Forms on a student, like, in their classroom?

11 A. Teachers would have kept minors and  
12 then when they got three minors it would have become  
13 a major and would have been reported to me.

14 So, often I would get three minor forms  
15 stapled together and then I would address the  
16 behavior with the student.

17 Q. What oversight was there in place by  
18 you, if any, to distinguish or make sure that  
19 teachers were reporting things appropriately? Like  
20 as a minor --

21 MS. JORDAN: Note my objection to the  
22 form of the question.

23 BY MS. LAUGHLIN:

24 Q. Sorry. I assume it got a little funky.

1                   What was in place, if anything,  
2   oversight wise for you, that would make sure that  
3   teachers are distinguishing things appropriately  
4   between minor and major, and that things were  
5   getting reported to you that needed to be?

6           A.     I would rely on the teacher's  
7   professional judgment to do that.

8           Q.     There was no independent review or  
9   anything like that to be able to make sure that  
10   their independent judgment was appropriate, as far  
11   as you were concerned?

12          A.     I can't think of anything in any way a  
13   Principal would do that in an elementary school. We  
14   rely -- We are not there, so we rely on the  
15   teacher's professional judgment to handle issues or  
16   report them.

17          Q.     When you say you are not there, meaning  
18   you are not actually in the classroom?

19          A.     Right, when the incident occurs. Or in  
20   the cafeteria, the playground, on the bus,  
21   wherever. So, we have to rely on the professional  
22   judgment of our employees to report any incident.

23          Q.     Okay. When Ruth was saying at this  
24   meeting that she didn't know the specifics of what



1 had happened, did you or anybody else in the meeting  
2 say anything in response to Ruth about it being her  
3 classroom and, you know, her finding out or, you  
4 know, why didn't she find out what was going on?

5 A. I don't recall.

6 Q. It says here Ruth never pursued the  
7 inappropriate behavior. Do you know what was meant  
8 by that?

9 A. I am assuming Ruth never followed up.

10 Q. Like, after she gave it to Ms. Andrews,  
11 that was the end of it?

12 A. Right. Because it says right before  
13 that that she did not know the details. So,  
14 obviously, this was said after the incident occurred  
15 and probably after the investigation, that she is  
16 saying inappropriate behavior.

17 Q. Do you recall whether this was the only  
18 meeting that you were involved in with Ruth or -- I  
19 am sorry, with Ms. Divver where you are getting her  
20 version of what had happened?

21 A. No. I definitely met with her in the  
22 building and remember I got written statements from  
23 them. This is, I believe, like I said, the union  
24 meetings that occurred.

1           Q.     Okay. As a result of this, I don't  
2 think I have seen anywhere that Ms. Divver was  
3 disciplined at all or, like, retrained or anything  
4 like that. Do you know whether she was?

5           A.     No, I don't.

6           Q.     Do you believe at the time, if you can  
7 recall, that she should have been or whether this  
8 was more of an issue with Ms. Andrews?

9           A.     I don't recall. The only thing I  
10 recall on all of it is I was part of the initial  
11 meeting with both teachers, and that there was a  
12 determination on discipline for those teachers. I  
13 was not part of any of those conversations, and that  
14 there was an appeal by the Union. I was not part of  
15 any of those conversations, and that --

16                   I can't recall, but for Holly,  
17 something was reduced. That is all I recall. I was  
18 not part of any of the conversations or anything.  
19 So, basically, I know I was here for these two, but  
20 anything after that I have no knowledge, nor was I  
21 present for anything.

22           Q.     I think you said those teachers were  
23 disciplined. Is that what you said?

24           A.     I believe they both were disciplined.

1 I don't recall.

2 Q. Okay. As the Principal, is that within  
3 your authority to discipline the teachers?

4 A. No.

5 Q. Whose authority is that then?

6 A. The superintendent and above me, that  
7 is all I know.

8 Q. Do you make any kind of -- As a  
9 Principal, kind of being, like, the boots on the  
10 ground, as sometimes they say in the military, do  
11 you make any kind of recommendation as to what you  
12 think should happen in terms of discipline with  
13 teachers at your school?

14 A. I have been involved in other  
15 discipline cases. In those cases, yes. My  
16 involvement in these are my only two in North Penn I  
17 am involved in with and I had zero involvement.

18 Q. Was that because the higher up at the  
19 District didn't, like, have you being part of the  
20 involvement or what was the difference?

21 A. I have no clue. I just was not part of  
22 the conversations or anything. The involvement was  
23 in a different school district so I can't speak to  
24 that.

1           Q.     Then after that Holly Andrews, it  
2 appears, is part of the meeting, and it says that  
3 she needs to sign her statement.

4                     Do you recall there being an issue with  
5 Holly not signing her written statement?

6           A.     No, I don't remember that.

7           Q.     Then it looks like this is a summary of  
8 Holly describing in this union meeting what had  
9 happened in the incident in November of 2014.

10                    That would have been [REDACTED] and [REDACTED]?

11          A.     Correct.

12          Q.     So, I am just gonna go through that to  
13 see if that helps you to remember any additional  
14 details of the meeting the we didn't already talk  
15 about. It says it was the end of the day and kids  
16 (sic) were sitting around working with the  
17 students.

18                   [REDACTED] and [REDACTED], their hands were  
19 under the table and Holly pointed at [REDACTED]. She  
20 thought that there was fooling around at the table  
21 and -- It says, at this point -- or it says, It was  
22 six months ago, you could see [REDACTED]'s upper body.  
23 Caught [REDACTED]'s hand as it was going up the shirt.  
24 She called both out in the hallway. It says, [REDACTED]

1 denied. No hands under the table.

2 Do you know what that means or what she  
3 is referring to?

4 A. No, I don't know.

5 Q. It says, felt it was mutual. Do you  
6 remember anything about the conversations as to  
7 what, assuming she, Holly Andrews, felt was mutual?

8 A. She felt they were fooling around.

9 Q. When you say "fooling around", what do  
10 you mean?

11 A. That there was some sexual contact  
12 between the both of them.

13 Q. When you say "between the both of  
14 them", I mean, [REDACTED] is the one touching [REDACTED]  
15 Do you believe there was any indication that it had  
16 gone both ways?

17 A. I think in the notes above that,  
18 doesn't it says both hands were under the table?  
19 So, that would lead me to believe -- because --  
20 hands under the table, Holly pointed to [REDACTED]  
21 second bullet, I am assuming, based upon that.

22 I recall Holly specifically telling me  
23 that she thought they were fooling around and, you  
24 know, that's where it says, felt it was mutual.

1 That is what I recall her telling me.

2 Q. Okay. It says neither form made it to  
3 the office. When she is saying "neither form", what  
4 --

5 A. The Office Referral Forms I am  
6 assuming.

7 Q. It is saying neither form. Meaning it  
8 almost sounds like more than one form.

9 Do you know what other form she would  
10 have been talking about?

11 A. No. I am assuming the November one and  
12 whatever else. Maybe later. I don't know. Or  
13 probably one for each child. If she felt it was  
14 mutual it was probably one for each child.

15 Q. You mean that you think that she would  
16 have filled one out for [REDACTED] and one out for  
17 [REDACTED]?

18 A. Right. Both having inappropriate  
19 behavior. Both being consensual, because she  
20 thought it was mutual, and would have written both  
21 students up. That is the way I am reading that.

22 Q. It says three minor discipline reports  
23 go to Bill. This is, like, three minor incidents  
24 and then the fourth discipline, the report goes to



1 Bill?

2 A. As it says under, considered it was a  
3 major. Right.

4 Q. It was a minor?

5 A. No. It is saying three minors,  
6 discipline reports go to Bill. That's correct. And  
7 then it is considered -- She considered it a minor  
8 is what she felt. Those are her words, not mine.

9 Q. Okay. Because you already had told us  
10 that you thought this was a major, should have been  
11 a major?

12 A. Should have been a major. Should have  
13 been a major right off the bat. Absolutely.

14 Q. I see here referral -- Office Referral  
15 for both [REDACTED] and [REDACTED]

16 A. Right.

17 Q. Holly said she didn't see his hand go  
18 up the shirt all the way. She felt she caught it  
19 before the entire hand went up her shirt. Holly  
20 felt she should have gone to Bill now that she is  
21 thinking about it now.

22 Do you recall Ms. Andrews talking about  
23 not seeing a hand go up the shirt all the way or  
24 where it stopped or any detail like that?

1           A.     No, I don't remember that.

2           Q.     It says, Holly felt she should have  
3     gone to Bill now that she is thinking about it.

4                     Do you recall her explaining or what  
5     the conversation was to make her say this?

6           A.     After I relayed to her that I was  
7     probably unhappy with, that she didn't report it, I  
8     am sure she felt now that she's reflected on it, she  
9     should have gone to me, which she should have. But  
10    I don't remember her stating that at all.

11          Q.     Do you believe that that occurring was  
12    in this meeting or one of the meetings that you had  
13    with them previously?

14          A.     She stated it to me, that she should  
15    have come to me earlier with the first report.  
16    Yeah.

17          Q.     It says, I guess Cheryl McCue talking  
18    in the meeting and talking about how [REDACTED] isn't  
19    going to say anything in front of the perp.

20                     Do you recall that part of the meeting,  
21    that conversation?

22          A.     No.

23          Q.     Do you recall having any conversations  
24    with Ms. Andrews about her interviewing [REDACTED] and

1     ██████ together?

2           A.     Well, I mean, that is usually something  
3     you don't do, is interview the two together, but  
4     looking at that, she viewed it as a mutual thing, I  
5     could see why she interviewed both together. We  
6     never interview -- In the words there, a perp, that  
7     is a perpetrator. That would assume that it was  
8     something done to someone else.

9           You never interview the bully and the  
10    person bullied together. You always interview them  
11    separately. That is something we are trained in.  
12    So, the fact that she did it together was also  
13    something she shouldn't have done.

14          Q.     Did you tell her that, as far as you  
15    can remember?

16          A.     Yes. I don't remember telling her  
17    that, but I am sure I did.

18          Q.     Then it says, Bill could have followed  
19    up. Do you know what that is referring to?

20          A.     No, I don't. I am assuming it is  
21    saying ██████ is not going to say anything in front  
22    of the perp. If she interviewed them separately,  
23    then I could have followed up. But I don't know  
24    what that means.

1           Q.     Then it is saying, at what point do we  
2     have a responsibility. Could have been a call to  
3     Child Line. Had it been dealt with in November,  
4     could have avoided other incidents.

5                     Do you know if this had been dealt with  
6     in November it could have avoided other incidents?  
7     Do you remember what the conversation was at that  
8     point?

9           A.     No, that is someone's speculation. I  
10    don't know what that is.

11          Q.     You don't recall a conversation that --

12          A.     No.

13          Q.     -- was around that?

14          A.     No.

15          Q.     Here this is about Holly and it's  
16    saying she doesn't remember what was said to Ruth,  
17    but they had a conversation about going to you. Do  
18    you recall discussing --

19                     Do you recall this part of the  
20    conversation in this meeting?

21          A.     No.

22          Q.     Do you recall any discussion with Ms.  
23    Andrews or Ms. Divver about having a conversation  
24    about going to you and maybe why they didn't, or?

1           A.     No, I don't recall that conversation.  
2     I am sure it happened, but I don't recall it.

3           Q.     Here where it says that Holly was asked  
4     in this meeting if she had told the parents, and  
5     Holly, Ms. Andrews, commented it is not her place to  
6     go to the parents.

7                     Do you recall this part of the  
8     conversation?

9           A.     No.

10          Q.     Do you recall --

11                    After these meetings, did you ever have  
12     any conversations independently with Ms. Andrews or  
13     Ms. Divver about what should change going forward in  
14     your school with them?

15          A.     Other than they should report things  
16     like this?

17          Q.     Yeah, I mean --

18          A.     I mean, I remember that conversation,  
19     but other than that I don't recall anything. I was  
20     clear that they mishandled this and they should have  
21     reported this, and they would report it going  
22     forward.

23          Q.     Okay.

24          A.     Mm-hmm.

1 Q. Here they are talking, again, Cheryl  
2 McCue is talking about the statement, if you don't  
3 do it again I won't go to your parents. That Ms.  
4 Andrews caused another young lady to experience this  
5 from the same young man.

6 Do you recall this part of the  
7 conversation?

8 A. (Reading to himself) shared statement  
9 from [REDACTED] No, I don't remember that.

10 Q. It says they are referring to that Ms.  
11 Andrews not telling -- or telling [REDACTED] or [REDACTED],  
12 saying, if you don't do it again I won't go to your  
13 parents. This caused another female to experience  
14 this from [REDACTED] do you agree with that?

15 MS. JORDAN: Note my objection to the  
16 form of the question. You can answer.

17 THE WITNESS: Can you --

18 BY MS. LAUGHLIN:

19 Q. Do you agree that, I guess, Ms. McCue  
20 is saying in this write up in this note, that Ms.  
21 Andrews telling [REDACTED] and [REDACTED] that if it doesn't  
22 happen again they won't go to their parents, that  
23 that caused another female student to also be  
24 touched?



1 MS. JORDAN: Same objection. You can  
2 answer.

3 THE WITNESS: I don't know. I don't  
4 know if it caused another young lady to be  
5 touched. Could it have prevented it, maybe.  
6 I don't know. You know, she was wrong, she  
7 should have not handled it that way.

8 BY MS. LAUGHLIN:

9 Q. I am showing you Page 1012 -- Sorry.  
10 The next one. Bates No. -- This is actually 1013.

11 A. This looks like an of the handwritten  
12 notes that were for the bullet points right before  
13 it.

14 Q. They were just typed up. I  
15 understand.

16 A. Yes. This is not my writing, but I am  
17 looking at the names, it looks exactly the same.

18 Q. Do you know, now that there is more  
19 handwriting, whose notes they are?

20 A. I want to say Cheryl McCue's but I  
21 don't know. That is who it looks like the  
22 handwriting is.

23 Q. This is page Bates No. 1015. This is  
24 Holly Andrews' statement?

1           A.     Mm-hmm.

2           Q.     Is this the statement that you had  
3     asked Ms. Andrews to complete when you asked her to  
4     write it up?

5           A.     I am assuming.

6           Q.     Did you ever see the statement after  
7     she wrote it?

8           A.     I assume I did. I can't recall if I  
9     did.

10          Q.     Do you know, looking at these  
11     handwritten notes on the left-hand side here; do you  
12     know whose they are?

13          A.     That looks like Cheryl McCue's  
14     handwriting again. That is my handwriting at the  
15     bottom, received from Kristin Vaszily 4/13 '15. So,  
16     I did see this. I received it from Kristin Vaszily  
17     on that date.

18          Q.     Okay.

19          A.     I don't know if -- That is probably  
20     Holy's statement given to Kristin and that is why it  
21     needed to be signed, because her signature is not on  
22     there.

23          Q.     Okay. At this paragraph where Ms.  
24     Andrews is saying [REDACTED] is not -- this is when she

1 pulled them out in the hallway together. It says  
2 [REDACTED] did not say a word and just stood there. I  
3 could tell he was upset.

4 Do you recall at all what gave her the  
5 impression he was upset?

6 A. No. I don't know. This was the  
7 interview she did back in November when she pulled  
8 them out in the hallway --

9 Q. Right.

10 A. -- so, I have no idea.

11 Q. I am just wondering since, when you got  
12 this statement you are having conversations with Ms.  
13 Andrews, you know, both before and afterwards  
14 whether this ever came up or you ever asked her  
15 about that?

16 A. I can't recall if I did.

17 Q. Do you recall any further conversation  
18 about her asking [REDACTED] if they had their hands  
19 under the table and she said she didn't.

20 A. No, I don't recall.

21 Q. This is Ruth Divver's statement. Do  
22 you recall seeing this?

23 A. I don't recall, but I am sure I got  
24 it. I think the date at the top looks like my

1     handwriting, the 11/17. I might have dated that.

2             Q.     Is this date your handwriting too --

3             A.     No.

4             Q.     -- the 4/13?

5             A.     Nope. That is definitely Ruth's. It  
6     might not even be my handwriting. I don't -- I  
7     don't know.

8             Q.     In the November incident, I want to  
9     focus on that one because that is the one involving  
10    [REDACTED].

11            A.     Yep.

12            Q.     Ruth says that when I returned to the  
13    back room, Ms. Andrews told me she saw [REDACTED] and  
14    [REDACTED] having inappropriate contact under the table  
15    in the back room. She called them out in the  
16    hallway and spoke with them. [REDACTED] denied the  
17    incident occurred. [REDACTED] remained silent.

18                    She wrote them up on the Incident  
19    Report and filed the report in a file folder that I  
20    keep the reports in. She felt she had handled the  
21    situation due to the fact that it was denied, and  
22    physical contact is a level 1 on the report.

23                    That is talking about physical contact  
24    being a level 1 on the report. Is that on the

1 Office --

2 A. Office Referral Form, yes.

3 Q. What distinguishes physical contact  
4 from sexual contact? Is there a difference?

5 A. That would be the discretion of the  
6 person viewing the contact.

7 Q. Prior to this point, do you recall ever  
8 having any instruction or training provided to the  
9 teachers to talk about, you know, what is sexual  
10 contact versus what is just physical contact?

11 A. No, I did not. I guess I am gonna  
12 amend that by saying, we have had discussions about  
13 it because, you know, we talked about hugging  
14 students and how that can be misperceived, and other  
15 -- We have had those conversations over time.  
16 Especially as male teachers, you know, we need to be  
17 cautious about how we interact physically, if at  
18 all, with students.

19 And those conversations have happened.  
20 That is why it is left to the professional judgment  
21 of the teachers, you know. And, you know, in this  
22 case, you know, I will continue to go on the record  
23 saying that it was poor judgment.

24 Q. Okay. Was there something in your view

1 that distinguished what happened in November with  
2 the incident with [REDACTED] and [REDACTED] as it being more  
3 than physical contact and more of a sexual contact?

4 A. Just based again upon what the teacher  
5 was saying, that it was mutual and that a hand up  
6 the shirt, you know, and it's mutual, it sounds like  
7 that they were fooling around. That was the  
8 information I was given. Again, inappropriate in  
9 the school building regardless.

10 Q. After the Union or whoever handles the  
11 discipline for the teacher, and they are coming back  
12 to work at Gwynedd Square Elementary after whatever  
13 discipline is given, did you think about at all  
14 giving additional discipline or training to these  
15 teachers to prevent something like this from  
16 happening again?

17 A. I can't give a discipline nor did I  
18 consider it. Again, go over the Office Referral  
19 Form every year and talk about how to report it. I  
20 can't recall what level of specifics I went into the  
21 following year, but I am sure that, you know, it was  
22 reviewed.

23 Q. Meaning, like, for the next school  
24 year?



1 A. Yes.

2 Q. The beginning of the school year?

3 A. Yep.

4 Q. This appears to be, like, the same date  
5 of the meeting of 4/16/2015, and this is when Ms.  
6 Divver is in the beginning part of the meeting with  
7 the Union rep, as well as Dr. Santoro, you, and Dr.  
8 Cheryl McCue.

9 I just want to ask you about this part  
10 here, which says, RD, which I assume is Ruth  
11 Divver. It says, question going to Bill, and then  
12 it says, trusted.

13 Do you know what that means?

14 A. No.

15 Q. Here it says, I'm sorry it turned into  
16 this. Do you remember anything about somebody  
17 apologizing about it turning into this? Like, a  
18 meeting?

19 A. No, I don't recall it. I am sure it is  
20 Ruth saying that she apologized that everything  
21 turned into this, but I don't recall if that is  
22 specifically what it was, or if that's what it said.

23 Q. What about this part where it is noted  
24 that Dr. Santoro challenged the wording

1 inappropriate touching.

2 Do you remember that conversation?

3 A. No.

4 Q. As far as you know, was there ever any  
5 issues about teachers not reporting things to you?

6 A. No.

7 Q. Do you know whether there was any  
8 feeling in the school of teachers not being able to  
9 approach you with things like this or otherwise?

10 A. No.

11 Q. If you had been made aware of something  
12 like that, would you have addressed it? Was that  
13 your general practice; issues came up, you would  
14 kind of address them?

15 A. Absolutely.

16 Q. This is a meeting that appears to have  
17 occurred almost about a month later in May of 2015.

18 Do you recall this separate meeting  
19 that you are listed as attending?

20 A. This would be another Union meeting.  
21 Isn't this the same one?

22 Q. Up here it says 5/27 '15?

23 A. Right. And Francis is there and that's  
24 the Assistant Director -- at the time Assistant

1 Director of Special Education. Because Holly is a  
2 special education teacher, that is why she attended  
3 it.

4 Q. Okay. Do you recall this, like, a  
5 separate meeting?

6 A. No, I don't recall this.

7 Q. I just want to kind of go through this  
8 and see if it helps refresh anything here. Here  
9 it's talking about CM, for Cheryl McCue. Additional  
10 info for Mission Kids.

11 Do you remember discussing anything  
12 about Mission Kids?

13 A. No.

14 Q. Here it says -- The note says not  
15 mutual or consensual because of age.

16 Do you recall any discussions about  
17 that?

18 A. No.

19 Q. Here there is an arrow. It says,  
20 supports for [REDACTED] boy in November.

21 Do you recall what that is referring  
22 to?

23 A. No, I don't know.

24 Q. Do you remember whether [REDACTED] had any

1 supports at the time?

2 A. No.

3 Q. Like, a --

4 A. I don't know.

5 Q. -- one-to-one or anything like that?

6 A. No. And that is a no like I don't know  
7 of those, not that I don't recall it. No, he did  
8 not have any supports.

9 Q. This two-day suspension with no pay,  
10 letter in file. As far as you know, that is  
11 referring to Ms. Andrews, right?

12 A. I assume so. I wasn't part of any  
13 discussions regarding discipline.

14 Q. Okay.

15 A. Even though my name is on attendance  
16 there, I don't recall any conversations about  
17 suspension or anything.

18 Q. Do you believe that you weren't at this  
19 other meeting and they put you down in error, or --

20 A. I don't know.

21 Q. -- or you just don't know?

22 A. I don't remember. I will say that.

23 Q. There is also some discussion by Ms.  
24 McCue about additional concerns about professional

1 judgment in regard to the IEP issue and shredding of  
2 the document.

3 Do you remember another incident  
4 involving --

5 A. Um, there was --

6 Q. -- shredding --

7 A. -- something with Holly, she shredded a  
8 document. I remember it vaguely. It was somebody  
9 -- It was a student that was going to settlement  
10 and she shredded a document. The parent wanted it  
11 and they didn't have it anymore.

12 It was something very vague and that is  
13 why Francis was involved, because not only was it  
14 the [REDACTED] issue, but it was with this issue as  
15 well.

16 Q. When you say the student was going to  
17 "settlement", what do you mean?

18 A. When a -- for special education  
19 students, a settlement agreement is something  
20 between the District and the parent for services.

21 Q. Okay. Other than what you told us, was  
22 the IEP issue something that you were dealing with  
23 at your school with her?

24 A. No, I was not dealing with it, Francis

1 was.

2 Q. Now, going to Page 10005. This is a  
3 North Penn School District Human Resources  
4 letterhead.

5 A. Mm-hmm.

6 Q. It's to Holly Andrews from Cheryl  
7 McCue, the Director of Human Resources, dated June  
8 3, 2015. It says, you, as well as Dr. Santoro, Dr.  
9 Gardner, Ms. McCue met with Ms. Andrews as well as  
10 the Union rep on May 27th to continue our discussion  
11 with the meeting on April 16, 2015 regarding the  
12 reported student incident.

13 And then there is a summary that is  
14 listed below. Then at the end, just so I can show  
15 you the whole document. You are CC'd at the end of  
16 this letter.

17 A. Mm-hmm.

18 Q. Have you seen this letter before?

19 A. I saw it, yes. Yep.

20 Q. Did you see it in preparation for the  
21 deposition?

22 A. No. I saw it when I put it in her  
23 file.

24 Q. So, this is something that went into



1 her file then?

2 A. I do believe so, yes. I believe I put  
3 it in her file.

4 Q. While you stayed at Gwynedd Elementary  
5 School, did Ms. Andrews continue to work in the same  
6 capacity at your school?

7 A. Yes, she was a special education  
8 teacher, changed grade levels, and then she moved  
9 into the position called Inclusion Facilitator,  
10 which helps -- which works with other special  
11 education teachers.

12 Q. Is that like a lateral move or is this  
13 a promotion, or?

14 A. Lateral.

15 Q. Was there a reason that, you know, that  
16 she moved to the other position?

17 A. It was open and she requested to move  
18 there.

19 Q. This letter here, and I don't want to  
20 go through the whole thing, but this is, basically,  
21 summarizing --

22 A. Right.

23 Q. -- what had happened?

24 A. Yep.

1           Q.     That summarizes the second incident in  
2     April.  It says, during our April meeting, concern  
3     for your judgment in dealing with the situation was  
4     shared, as well as the need for continued  
5     investigation.  It says that School Board Policy  
6     5150, which is the harassment policy, was shared  
7     with her.

8                     Do you recall when she was being shared  
9     this School Board Policy, whether she had ever seen  
10    that before --

11           A.     I don't recall.

12           Q.     -- or what her reaction --

13           A.     No.

14           Q.     Okay.  Here it references information  
15    from the Mission Kids Report, indicated that both  
16    female students were subjected to multiple instances  
17    of inappropriate touching from the male throughout  
18    the school year.  That that was shared at that May  
19    27th meeting that you were part of.

20                     Since this is now talking about  
21    multiple incidents of inappropriate touching by  
22    ██████ do you know why you didn't go back and give  
23    him a more serious discipline than what you had  
24    done, now that you have this additional information?

1           A.     The discipline was administered based  
2     upon information we had back in April. This letter  
3     is dated June 3rd at the end of the school year.  
4     So, no, we didn't revisit an issue from close to two  
5     months ago.

6           Q.     I mean, at June 3rd was he already out  
7     of the school at that point or was he still a  
8     student?

9           A.     He was still a student. I can't recall  
10    -- I can't recall how he ended the school year.

11          Q.     You said you wouldn't have gone and  
12    revisited an incident from two months prior?

13          A.     Dealing with discipline for that  
14    particular incident, you are talking about he was  
15    suspended, you know, in April for the inappropriate  
16    touching.

17                 Even though there was additional  
18    information from Mission Kids, I don't -- I don't  
19    recall the Mission Kids Report. I don't know if I  
20    ever even got a copy of that report. So, I can't  
21    say I would go back and suspend someone or  
22    administer consequences if I don't even know if I  
23    saw the report.

24          Q.     Just to be clear. This is talking

1 about -- They are talking about the report from  
2 Mission Kids at the meeting on May 27th, which we  
3 just went over that you were present for, and then  
4 it is written about in this letter that you were  
5 CC'd on.

6 So, at this point you would agree with  
7 me that you knew --

8 MS. JORDAN: Note my objection.

9 BY MS. LAUGHLIN:

10 Q. -- that there were reports of  
11 additional incidents, other than just a single time  
12 in November and a single time in April; correct?

13 MS. JORDAN: Note my objection to the  
14 form of the question.

15 THE WITNESS: I can't recall the report  
16 from Mission Kids. I can't recall most of  
17 the details from that May meeting. I can't  
18 say why I would or would not go back and  
19 revisit an incident that occurred two months  
20 ago and administer additional consequences.

21 BY MS. LAUGHLIN:

22 Q. Even if it wasn't additional  
23 consequences, I mean, would you agree with me, based  
24 on the notes we have gone over so far, that you were

1     aware that there were additional incidents than you  
2     did in April?

3                   MS. JORDAN:   Just note my objection to  
4                   the form of the question.

5                   THE WITNESS:   So, I can say that, yes,  
6                   there were other incidences.   I can't recall  
7                   exactly what police involvement might have  
8                   been still ongoing or anything else.   So, I  
9                   can't speculate as to why I would go back two  
10                  months after an incident six years ago.

11  BY MS. LAUGHLIN:

12                  Q.     I am not asking you that.   Just to be  
13                  clear, my question was --

14                  A.     Okay.   I am misunderstanding you.  
15                  Sorry.

16                  Q.     That is okay.   Let me be clear.

17                         My question is specifically, would you  
18                  agree with me that you had knowledge at this point  
19                  that it was more than just the two single  
20                  incidents?

21                         (Unknown noise)

22  BY MS. LAUGHLIN:

23                  Q.     I am sorry.   Was your answer yes?

24                         (Unknown noise)

1                               - - -

2                               MS. JORDAN: Note my objection to the  
3                               form of the question.

4                               THE WITNESS: I didn't say anything  
5                               yet. I don't know where that noise was  
6                               coming from, that is why I sat still.

7                               I guess I am still a little confused by  
8                               your question. Am I acknowledging that there  
9                               were multiple incidences? I can't say for  
10                              certain, because I don't remember the Mission  
11                              Kids Report. I guess that is my answer.  
12                              Unless you can say your question another  
13                              way.

14 BY MS. LAUGHLIN:

15                              Q. I guess, based on what we just went  
16                              over, this summary that you were CC'd on, I guess  
17                              let me ask you.

18                              If there was something inaccurate about  
19                              this document that you were CC'd on back in June of  
20                              2015, would you have said something to someone to  
21                              correct it to make sure that it was accurate?

22                              MS. JORDAN: Note my objection. You  
23                              can answer.

24                              THE WITNESS: If there was something in



1           this document that I disagreed with I  
2           probably would have asked -- I probably would  
3           have made mention of it, yes.

4 BY MS. LAUGHLIN:

5           Q.     So, for example, if it is saying here  
6           that the information from Mission Kids indicating  
7           that both female students were subject to multiple  
8           incidents of inappropriate touching from a male  
9           student throughout the school year and it was  
10          shared, and you didn't know that, would you have  
11          said something to Ms. McCue about, like, you didn't  
12          know that, what do you mean?

13          A.     At that point I can't say I would. I  
14          don't know. It is June 3rd, it is the end of the  
15          school year. It's -- The issue happened a few  
16          months ago. I don't remember if there was still an  
17          investigation going on outside of the school.

18                 Mission Kids typically is involved in  
19          the police. It's usually not from the school. So,  
20          I don't know. If there was still police  
21          involvement, I don't know if I would have  
22          jeopardized anything. I don't know. I don't know  
23          what I would have done.

24          Q.     If the police were involved, do you

1 know whether that is something that you can -- you  
2 said you didn't want to jeopardize police  
3 involvement.

4 Can you still do your own independent  
5 investigation when there is police involved?

6 A. Yes.

7 Q. If you had known at the time that there  
8 was more than one incident -- I know we were talking  
9 earlier about when a student is now going from your  
10 elementary school to the middle school and there is  
11 a file that can go with them, but then there is also  
12 information that you can relay to them that's  
13 important.

14 This information now about multiple  
15 incidents of inappropriate touching by [REDACTED] is  
16 something that you felt important to have passed  
17 along to the middle school he was going to?

18 A. Yes, it would have been important. I  
19 don't recall if we did or not.

20 Q. Is there a reason why you wouldn't  
21 have if --

22 A. No.

23 Q. -- it is important and your practice  
24 was to --

1           A.     No, there was no reason I would not  
2     have. I wouldn't have -- I wouldn't hide it. I  
3     wouldn't, you know -- I wouldn't protect the  
4     teacher. There is no reason for me not to pass that  
5     along. It is important for them to know. I  
6     honestly don't recall if we did.

7           Q.     If you had passed that along, do you  
8     know whether that would be documented in any way so  
9     that it continues along with the student to middle  
10    school?

11          A.     I -- It would have to be documented  
12    through, like, a guidance counselor's notes or  
13    something.

14          Q.     Is there any way that you could make a  
15    report? I know we talked about, typically only the  
16    letter to the parents talking about discipline would  
17    go into the student's file, but was there something  
18    that you independently could have done to have  
19    papered the file for this?

20          A.     Hmm.

21                 MS. JORDAN: Objection to the form of  
22    the question. You can answer.

23                 THE WITNESS: I don't know if there  
24    is. I would think that the letter stating

1           that would be enough, and if the middle  
2           school administration would have seen the  
3           letter and would have asked, then I could  
4           have shared additional information if it was,  
5           you know, relevant.

6                     There is no red flag that I can put on  
7           a kid's folder necessarily, you know, to say  
8           like, hey, look out for this kid. I can  
9           share information, you know, with the middle  
10          school through a transition meeting, and then  
11          I can answer questions from the middle school  
12          administration.

13   BY MS. LAUGHLIN:

14           Q.       But there is no way that you can, like  
15   you said, like, red flag a file in some way for them  
16   to, like, preemptively know?

17           A.       No.

18           Q.       Has the District ever had a process for  
19   doing so?

20           A.       Not to my knowledge. Not shared with  
21   us.

22           Q.       Now, I am gonna go to that Office  
23   Referral Form, which is on Page 1023.

24           A.       Yes.

1           Q.     I will make it a little smaller so we  
2     can see the whole thing. This is your handwriting  
3     again at the bottom?

4           A.     Yes.

5           Q.     This is the only Office Referral Form  
6     that was produced in this case. Do you know whether  
7     there was any additional forms that were turned over  
8     to you?

9           A.     I don't know.

10          Q.     Okay. This is the form that was filled  
11     out by Ms. Andrews. Did you actually create this  
12     form, or where did this form come from?

13          A.     Yes, I created the form.

14          Q.     So, you made this all up from, like,  
15     out of a blank sheet?

16          A.     No. This comes from training through  
17     the PaTTAN office through the State. It's called a  
18     Positive Behavior Intervention and Support Program.  
19     I was trained in Parkland School District and I  
20     brought it to North Penn.

21          Q.     Okay. So, here there is three  
22     different categories: A minor problem behavior; a  
23     major problem behavior; and a possible motivation.  
24     Here it is listed as a physical contact minor

1 problem behavior. I think you were saying before  
2 that it should have been noted as a major problem  
3 behavior; is that right?

4 A. Yes.

5 Q. Would that have been harassment and  
6 bullying, or would it have been something else?

7 A. I think based upon the investigation it  
8 could have been either one. Since the information  
9 at the time the teacher put down that it was mutual,  
10 I would have checked other, and inappropriate  
11 contact I would have written down as the other.

12 Now, the possible motivation helps us  
13 determine what is the motivation. It's not a  
14 category. So, the two categories are minor and  
15 major.

16 Q. Okay. Did you ever go over this form  
17 prior to 2014 or 2015 with teachers and how to fill  
18 this out, since this is a form you brought in?

19 A. It is gone over at the start of every  
20 school, yes.

21 Q. Did you define for them, like, what  
22 inappropriate language is compared to physical  
23 contact, or?

24 A. No, because at different grade levels



1     this can be done -- You know, inappropriate language  
2     for a kindergartner might be completely different  
3     than inappropriate language for a sixth grader.

4     This is where the professional judgment comes in.

5             Q.     Here at the bottom it says, has parent  
6     signatures.

7             A.     Mm-hmm.

8             Q.     Is it typical that the parent would  
9     have to sign one of these forms?

10            A.     If it were a minor -- If it were a  
11     major, yes.

12            Q.     So, that would be reported up to you  
13     and then you would have the parent --

14            A.     I would send it home so the parent can  
15     sign it, yes. And as you can see at the bottom, all  
16     minors are filed with classroom teacher. Three  
17     minors equal a major.

18            Q.     So, just for the record, all minors are  
19     filed with the classroom teacher?

20            A.     Correct. We have talked about that a  
21     few times.

22            Q.     Right. Now I want to go to the -- We  
23     talked about the Elementary Code of Conduct. This  
24     is on Page 1026.

1           A.     Right.

2           Q.     I think earlier we were talking about  
3     the level one, the level three. I think in one of  
4     the notes you had gone over after these incidents in  
5     either April or May, that it was noted to be a level  
6     three. What had happened in November?

7           A.     That was Dr. Santoro's notes and she  
8     mentioned level three, correct.

9           Q.     Are you able to see it or -- I don't  
10    want to make it too small where you can't read it.

11          A.     That is good. I can see it there.

12          Q.     Do you agree that it was a level three  
13    incident?

14                 MS. JORDAN: Objection to the form of  
15    the question. You can answer.

16                 THE WITNESS: Are you -- When am I  
17    being asked this question, today or in  
18    '14-'15?

19    BY MS. LAUGHLIN:

20          Q.     Back at the time.

21          A.     So, back at the time, knowing what I  
22    knew when?

23          Q.     I guess, you know, at the end of the  
24    school year, once you had done your investigation

1 and --

2 A. Okay. So, yes, level three would be  
3 appropriate.

4 Q. I assume you asked for that distinction  
5 because when you just got the information from the  
6 teacher at first before your investigation was done,  
7 they were under the impression it was a level one,  
8 so that is what you had thought as well?

9 A. Correct. Hence the need for an  
10 investigation.

11 Q. What do you mean "hence the need for an  
12 investigation"?

13 A. If I just assumed it was a level one  
14 and stopped there, it wouldn't have been anything,  
15 but because I needed to investigate it more, that is  
16 why I was able to determine it went to level three.

17 Q. What was it about this that made you  
18 second-guess it was a level 1 and go to the  
19 investigation?

20 A. I never --

21 MS. JORDAN: Note my objection to the  
22 form of the question.

23 THE WITNESS: I never second-guessed  
24 anything. I am just saying that Holly's form

1           said it was level one, Dr. Santoro's form  
2           said level three. I did an investigation to  
3           determine the appropriate level.

4 BY MS. LAUGHLIN:

5           Q.     Do you recall ever retraining Ms.  
6 Andrews or Ms. Divver about the different levels and  
7 what they meant according to the form?

8           A.     No. Which form?

9           Q.     The Office Referral Form.

10          A.     Retrain, no. We did the same training  
11 that we do every year at the start of the year. I  
12 think through the conversations they had, and,  
13 hopefully, the discipline that was administered,  
14 they would see. It's not necessarily the level that  
15 was the issue, it was the fact that they failed to  
16 report it.

17          Q.     Do you know whether the District or  
18 your school gives any instructions to teachers on  
19 this Elementary Code of Conduct to the teachers?

20          A.     It is typically reviewed -- We ask the  
21 teachers to review it at the start of the school  
22 year.

23          Q.     At the start of each school year?

24          A.     Yeah, it's part of the student Handbook

1     so we ask them to review it on their own.

2             Q.     Would you agree with me, by the end of  
3     the 2014-2015 school year, you knew that [REDACTED] had  
4     been, like, as we defined sexual harassment at the  
5     beginning of your deposition, that she had been  
6     sexually harassed --

7             MS. JORDAN:   Note my objection to the  
8     form.   You can answer.

9             THE WITNESS:   Can you restate it,  
10     please?   Are you gonna object again?   Okay, I  
11     will listen better this time.   Sorry.

12     BY MS. LAUGHLIN:

13             Q.     It's okay. I was gonna say, at the end  
14     of the --

15             MS. LAUGHLIN:   Just -- Maureen, I know  
16     you're gonna have an objection to the  
17     question and we can note that, but just so  
18     it's not cutting back and then it kind of  
19     gets -- We can note that if you don't want to  
20     interrupt.   You are gonna object to whatever  
21     I'm gonna say, so.   Do you understand?

22             THE WITNESS:   Go ahead and say it.

23             MS. JORDAN:   It was trying to avoid the  
24     gap in things.

1 BY MS. LAUGHLIN:

2 Q. At the end of the 2014-2015 school  
3 year, would you agree with me that you had  
4 knowledge, actual knowledge that [REDACTED] had been  
5 sexually harassed by [REDACTED] that year?

6 MS. JORDAN: Note my objection to the  
7 question. It calls for a legal conclusion  
8 and is improper, and I will not have him  
9 answer that question.

10 BY MS. LAUGHLIN:

11 Q. At the time, would you have considered  
12 what happened to [REDACTED] sexual harassment?

13 MS. JORDAN: Not my objection to the  
14 form of the question. You can answer that.

15 THE WITNESS: I am thinking.

16 BY MS. LAUGHLIN:

17 Q. That is okay, take your time.

18 A. It is difficult to say. I was not  
19 there in the room when it occurred. I didn't  
20 witness what happened. I listened to two sides give  
21 their view of the story. Was there sexual contact?  
22 Yes. Was it harassment, meaning unwarranted or  
23 unwelcomed? I can't definitively say yes or no.  
24 Was it inappropriate? Absolutely. Whether it was



1 wanted or unwanted.

2 Q. Okay. Do you know what impact that  
3 incident involving [REDACTED] in November, what impact  
4 that had on [REDACTED]'s school environment at the  
5 elementary school level?

6 Like, were you aware of any --

7 A. No. No. I can't think of anything  
8 that negatively -- she didn't seem to have any --  
9 She didn't seem to have a negative impact from  
10 November through April.

11 Q. What gave you that impression?

12 A. I didn't see any change -- major  
13 changes in her behavior. I was unaware of any  
14 additional requests for counseling or increase in  
15 frequent visits to the guidance counselor.

16 So, there was no change in her behavior  
17 in multiple ways for me to feel that there was  
18 something that would warrant that. I think Kristin  
19 Vaszily is an excellent guidance counselor and would  
20 have communicated to me had she any indication that  
21 there was something that impacted her.

22 Q. Did you ever ask [REDACTED] whether it had  
23 impacted her?

24 A. No, more I was unaware of the H5

1 incident at the time. So, had I known that ahead of  
2 time, it could have changed how I handled things or  
3 how I had done things, but, you know, the guidance  
4 counselor wasn't made aware of it, and I firmly  
5 believe in her skills. Nothing led us to believe  
6 that it impacted her negatively.

7 Q. Other than moving [REDACTED] to another,  
8 like, room or another class so that he wouldn't be  
9 in class with [REDACTED] or another one of the victims,  
10 were there any other things that you had put in  
11 place as the Principal to prevent something like  
12 this from occurring again with [REDACTED]

13 A. He was under increased supervision  
14 informally so we didn't have anyone standing there  
15 next to him. Whenever there were activities where  
16 this behavior could have repeated, we made sure to  
17 have supervision through the classroom teachers or  
18 teaching assistants that worked in the grade level,  
19 anyone else that we had. We had playground aides or  
20 anyone else that might have been available.

21 We just increased supervision while  
22 also maintaining his confidentiality as well, as we  
23 are required to do.

24 Q. How would you increase the supervision

1 with maintaining his confidentiality?

2 A. We would ask teachers to be more  
3 vigilant in their observations. I would make sure  
4 to personally look at [REDACTED] to make sure nothing  
5 else was occurring.

6 You know, we are talking about the end  
7 of the school year and there is a lot going on. So,  
8 we had to make sure -- Obviously the sixth grade  
9 teachers already knew about it so it wasn't that we  
10 had to maintain their confidentiality, but cafeteria  
11 monitors and things like that, we just asked them to  
12 be vigilant in their supervision.

13 Q. Just in a general sense?

14 A. For some individuals a general sense  
15 because of confidentiality, but for others more  
16 direct.

17 Q. Were there specific meetings that these  
18 took place, where you were going to be having the  
19 sixth grade teachers keep better --

20 A. Yes.

21 Q. -- be more vigilant?

22 A. When we had the meeting talking about  
23 moving his class and things like that, we talked  
24 about having, you know, increased supervision

1 involving him.

2 Q. Did his parents know about that, the  
3 increased supervision?

4 A. I don't know. I don't think so. I  
5 didn't call them up and tell them.

6 Q. Would that be something, the increased  
7 supervision, that would have been documented in his  
8 file at all?

9 A. No.

10 Q. Why not? If you thought there was a  
11 need for increased supervision, why wouldn't that  
12 have been documented in his file?

13 A. Because it's not something I would have  
14 done.

15 Q. Do you think that is important for the  
16 middle school, like, wherever he is going next to  
17 have known about?

18 A. Yes, I think it is important for them  
19 to know about.

20 Q. But you don't recall whether you had  
21 that conversation to tell them?

22 A. I don't recall, no.

23 Q. Other than communicating to the middle  
24 school, whoever was gonna be, like, I guess the

1 Principal of the middle school, was there ways you  
2 could have communicated to the District, generally,  
3 for them to be, like, on alert of these things that  
4 were put in place that could carry through his  
5 education?

6 A. No. I think it was done informally  
7 through our team at school.

8 Q. You said team with the school meaning  
9 also, like, the team of the middle school or  
10 something?

11 A. No, just our school at Gwynedd.

12 Q. I am gonna go to page 1009 and just ask  
13 you about, this is a note from Ruth Divver to Cheryl  
14 McCue dated May 5, 2015. It just notes about an  
15 incident on the playground with [REDACTED] and [REDACTED], a  
16 report that [REDACTED] was following her around at  
17 recess.

18 Do you remember anything about this  
19 incident?

20 A. Give me a moment just to read through  
21 it.

22 Q. Sure.

23 A. I don't remember this, to be honest. I  
24 don't.

1           Q.     Okay.  So, you are saying you don't  
2     remember, like, the playground incident that's  
3     referenced here?

4           A.     No, I don't.

5           Q.     What about the part about [REDACTED]  
6     telling children on the bus or school about what had  
7     happened to her, do you recall anything like that?

8           A.     No, I don't recall.

9           Q.     I know we have gone over several  
10    conversations that you have had, whether it's  
11    meetings or individual with a teacher or a guidance  
12    counselor.

13          A.     Right.  Right.

14          Q.     Any other conversations that we haven't  
15    already discussed that you can recall?

16          A.     No.

17          Q.     I know that you said, like, the  
18    arbitration procedure and stuff between Ms. Andrews  
19    and the district.  You weren't part of any of those  
20    conversations or meetings; is that right?

21          A.     No.

22          Q.     Did anybody ever talk to you about what  
23    was going on in those meetings?

24          A.     No.

1           Q.     Now, I know that you weren't in this  
2 meeting, but I just want to direct your attention to  
3 one of the meetings regarding the discipline for Ms.  
4 Andrews and ask if you know what they are talking  
5 about.

6                     Here it notes, and this is on Page 996,  
7 it says, perception that Bill doesn't want to be  
8 bothered with things.

9                     Do you know anything about what they  
10 are referring to, or?

11           A.     (Reading note.) Concern from Bill  
12 Bowen's form - reiterated again that this was for  
13 teacher's use in their personal file. Bill doesn't  
14 want to be bothered. No, I have no idea.

15           Q.     No one's ever talked to you about your  
16 perception at the school or anything like that?

17           A.     No. No.

18           Q.     Ms. Andrews' suspension being reduced  
19 from two days to one, do you know anything about  
20 that?

21           A.     No, I don't.

22           Q.     You said as far as you knew that you  
23 had believed that Ms. Divver had also been  
24 disciplined?



1           A.     I thought so, yeah.

2           Q.     Okay.  Why do you think that?

3           A.     Because they both failed to report the  
4 incident.

5           Q.     Okay.  So, in your view, they both  
6 should have been disciplined?

7           A.     I think there should have been  
8 something, yes.

9           Q.     Is there anything that you could do if  
10 a teacher was not disciplined:  Go to the district  
11 or your supervisor or somebody to say, hey, I really  
12 think we need an additional something here; whether  
13 it is discipline or training or whatever?

14          A.     Not that I am aware of, no.  Oh, I  
15 could go and say we need additional training or  
16 something.  I can make suggestions, but there is no  
17 formal process, no.

18          Q.     Would that have been just to your  
19 direct supervisor?

20          A.     No.  I can go to Dr. Santoro.  I can go  
21 to our professional development people.  I mean, I  
22 could go other places, but really a lot of that  
23 comes down do what is left at the building level.

24          Q.     So, you handled it at the building

1 level?

2 A. Yeah, I would have to handle it at the  
3 building level. Yes.

4 Q. Other than the file you talked about  
5 that you would just paper by sending the discipline  
6 letter to, like, [REDACTED]'s parents for example, was  
7 there any other system in place by the District that  
8 could allow what happened in sixth grade to, you  
9 know, be notified at the middle school level or even  
10 the high school level as a student continues through  
11 the District?

12 A. I am sorry. Say that again.

13 Q. Yeah. So, we were talking about, like,  
14 the incident in sixth grade. I am wondering the way  
15 that that could be tracked through the District  
16 school system, and I think you were mentioning that  
17 the only --

18 A. Yes.

19 Q. -- meaning the track that the middle  
20 school would --

21 A. I --

22 Q. -- know --

23 A. I am following you.

24 Q. Okay. I think you had mentioned the

1     only real way to document that, would be put in a  
2     file, would be the letter to [REDACTED]'s parents  
3     informing them of the incident and the discipline.

4                 I was wondering if the District had  
5     anything in place other than that? Where you could  
6     -- whether it is make a report to the  
7     superintendent or, you know, if there was a way you  
8     could paper the file in some other way to notify the  
9     chain?

10                A.     Back then I'm not sure because now we  
11     have an online system which is much more efficient  
12     and can be read by the middle school much more  
13     easily. Back at that time I don't know -- Yeah, I  
14     don't know any other avenues that we don't already  
15     have.

16                Q.     What is the system now that you use?

17                A.     It is called Infinite Campus and it is  
18     online system, so the Behavioral Referral Forms are  
19     online. Everything's online and it is kept, you  
20     know -- that records are kept and are more  
21     accessible by the different levels.

22                Q.     So, it goes with the student then,  
23     like, throughout their levels of education? Like  
24     their electronic --

1           A.     It's, basically, an electronic version  
2     of a paper file.  Yes.

3           Q.     Okay.  I think in a paper file the only  
4     thing you explained that would really be in there  
5     was the letter that was sent to the parents about  
6     the discipline?

7           A.     So, an accumulative folder back then  
8     contained the academic information, report cards,  
9     progress reports, and other things like that.  The  
10    demographic information.  So, the forms they use  
11    when they enroll at the school.  Kindergarten or  
12    whatever year they enter.

13                   There is also he IEPs in file and 504s  
14    and different special education documents, and then  
15    there is the behavioral one, where you can put files  
16    or, you know, letters for behavior and things like  
17    that.  That is all now electronic.  A sixth grader's  
18    folder can be a half an inch thick, you know, or  
19    more by the end of their elementary career.

20          Q.     Sure.  The forms that are available now  
21    as far as behavior goes, are there, like, different  
22    behavioral forms that can be filled out for students  
23    that can then be tracked in the file?

24          A.     I am unaware of what's used at the

1 middle school or secondary level, but we have a  
2 common behavior form at the elementary level now.  
3 Most schools are now implementing the Positive  
4 Behavior Intervention and Support System and are  
5 using the exact same form that I use at Gwynedd  
6 Square.

7 Q. Does that now go into the system  
8 automatically, as opposed to it being, like,  
9 shredded at the end of the year? Is that something  
10 you are now --

11 A. Yes.

12 Q. -- putting in?

13 A. I don't know. As a matter of fact,  
14 July 1st, the new year rolls up. I don't know if it  
15 is carried over or if they are, you know, purged  
16 from the system. I really don't know.

17 Q. But that is something that you would  
18 upload into the system?

19 A. It is already in the system, so they  
20 fill it out online.

21 Q. Everybody, all the levels have access  
22 to that if needed?

23 A. I don't know what the middle schools  
24 and high schools have access to.

1 Q. Do you only have access to your  
2 students at the elementary school?

3 A. Yes.

4 Q. I'm gonna go to Page 983 and I am  
5 showing you -- Let me just make it a little  
6 smaller. Can you still read what is on the page?

7 A. Yes.

8 Q. At the top it says the assigned  
9 administrator is you, and it is saved by you and  
10 finalized by you. It looks like this is a classroom  
11 teacher rating form for Holly Garrett, (ph).

12 And just for the record, that is the  
13 same person as Holly Andrews?

14 A. Yes. That's her maiden name, Garrett.  
15 No, that's her married name Garrett.

16 Q. Did she get married in this school  
17 year? Do you know?

18 A. I guess so, yeah. That must have been  
19 the year she got married.

20 Q. This says evaluation cycle 8/26 '14 to  
21 6/30 '15. Can you just explain for me how these  
22 teachers, Mrs. Garrett and Ms. Andrews, is getting  
23 evaluated for that school year? How does this work?

24 A. Let me look at this point. She was a

1     tenured teacher so she gets this form one time a  
2     year, and the form is based upon multiple  
3     observations and her performance during the course  
4     of the school year.

5             Q.     This says rating date 12/23 '15.

6             A.     Yeah, I don't know why it says that.

7             Q.     Because that would have been the  
8     following year, right?

9             A.     Yeah. I don't know why it says that.

10            Q.     It says date finalized, 6/29 '15.

11            A.     Correct. Oh. I don't know when -- and  
12     again, this is -- At one point we started using  
13     certain metrics in the District, and we wouldn't get  
14     the metrics to finalize the teacher's evaluation  
15     until the fall.

16                    So, we used to not be able to fill  
17     these forms out until, like, November/ December. I  
18     don't remember when we started using that system, so  
19     that is why it could be dated. This part of the  
20     form --

21                    Can you scroll down? I have a better  
22     idea.

23            Q.     Sure.

24            A.     Right there. Hold on. The SPP form,



1 we don't get that, because it's based upon the PSA,  
2 which they take back in the spring. Back then we  
3 wouldn't get the results until the fall, so we  
4 wouldn't be able to finalize this form until  
5 November/ December. So, that is, I think, why the  
6 dates up there are so late, but the boxes are done  
7 at the end of the school year.

8 Q. You are saying SPP. Where do you see  
9 that?

10 A. In the middle item, two, SPP.

11 Q. Oh, I see. Okay.

12 A. So, we don't get that score until late,  
13 and we because we get it late we don't finalize  
14 these until -- We don't actually finalize them until  
15 later in the year.

16 Q. Okay. And, actually, this bottom part  
17 here on Page 984. --

18 A. Yep.

19 Q. -- these parts, I am kind of circling  
20 where it says rating professional employee.

21 A. Mm-hmm.

22 Q. Performance rating of proficient and  
23 final rating of satisfactory. Who is completing  
24 that?

1           A.     That is done through -- So, you look  
2     at, at the middle. All of those scores are  
3     calculated and produce that total earned points  
4     number. Right where --

5           Q.     Right here?

6           A.     Nope, down a little. Yep. Those right  
7     there, and then they get -- Right where your cursor  
8     is, that is the final rating number, and based upon  
9     the table at the top. So, there's a 1.68, so, she  
10    fell just above the proficient -- Oh, you are going  
11    too far. Stop right there. In middle of the  
12    screen, see the scale? Down. Down.

13          Q.     Yes.

14          A.     Right there. Do you see the scale?  
15    So, she finished up with a 1.68. That falls between  
16    1.5 and 2.49, which is proficient. That is why she  
17    got that score.

18          Q.     You said at the end of the year she  
19    ended up with 1.68?

20          A.     Correct.

21          Q.     Who is giving her this rating?

22          A.     So, the numbers directly above it,  
23    those numbers are populated based upon the  
24    performance. So, her observation practice and

1 rating, I do that part. Those are the numbers up  
2 top. That counts for 50 percent of her evaluation.  
3 So, see the boxes at the top?

4 Q. These ones you're talking about?

5 A. Yep. I gave her two failings and two  
6 proficients. So, based upon the calculation of the  
7 numerical score for that, she got four out of eight,  
8 which is 50 percent.

9 That is why on the first line there is  
10 .50. Then the SPP score and other scores get  
11 factored in there and when you add those up, that is  
12 where it gets to be 1.68. That is how it's  
13 determined.

14 Q. Okay. I understand. So, the No. 1,  
15 the very top of the Page 984, that is based on your  
16 observation of her in the classroom, right?

17 A. Yes.

18 Q. You gave her, you said, two failings  
19 and two proficients; right?

20 A. Yes.

21 Q. How many times during the course of the  
22 year are you observing her, or is it just one time?

23 A. It's informal and formal observations.  
24 I can note anything that occurs during the school

1 year, in addition to the one formal observation that  
2 I have to write up.

3 Q. You said the one formal observation you  
4 have to write up. Is that, like, a separate report  
5 that's put somewhere?

6 A. A separate form, yep.

7 Q. Is it called something?

8 A. Classroom observation form probably. I  
9 don't recall exactly what it is called.

10 Q. Where is that normally kept? Is it,  
11 like, electronic or filed?

12 A. The same system that this form is  
13 housed in. It is called Front Line.

14 Q. That is something whenever that one  
15 formal observation occurs, you are documenting what  
16 you are seeing --

17 A. During that particular observation,  
18 yes. But that doesn't automatically translate  
19 here. That's just one small piece. That would be  
20 like me evaluating you on one case through the whole  
21 score year; your whole calendar year.

22 If I evaluated you on one legal case  
23 that you settle, that would be your end of the  
24 year. So, if you didn't do well in that case, that

1     would mean it would be a bad year. But I have to  
2     look at the accumulative. I have to look at all the  
3     observations, all of your cases, and then I would  
4     come up with this form.

5             Q.     Right. So, this form, this chart with  
6     all the boxes that we are looking at on 983, this is  
7     out of all those observations you did, this is the  
8     conclusion that you putting in?

9             A.     Yes. Exactly.

10            Q.     So, out of four different grades that  
11    you are giving her in the evaluation, two of them  
12    are failing; right?

13            A.     Yes.

14            Q.     Is that normal for teachers at your  
15    school?

16            A.     No. These are the only failings I've  
17    ever given to a teacher.

18            Q.     Do you remember, was it particular  
19    instances or circumstances that were given failing?  
20    Is there --

21            A.     It's the reason we are here.

22            Q.     So, that wouldn't be something you  
23    actually observed in the classroom; is that right?  
24    It's just from --

1           A.     Correct. That is why I said  
2     accumulative. Everything. Not just the classroom  
3     observation but, you know, turning paperwork in.  
4     That is part of a professional responsibility.

5                 So, the whole shredding of the document  
6     issue, that's why she got the failing there.  
7     Failure to properly observe students in the  
8     classroom, and the incident with [REDACTED] that got her  
9     the failing in the classroom environment. There are  
10    many subcategories that go into each one of those  
11    four categories. We look at it in a global  
12    perspective and evaluate and give these scores.

13            Q.     You said these are the only two  
14    failings you have ever given to a teacher; correct?

15           A.     I think I -- I have to recall. I have  
16    to say Ruth, I think both her and Ruth have got  
17    failings. I have never given failing for another  
18    teacher. Needs improvements, proficiency, and  
19    distinguished, yes. But a failing to me is a pretty  
20    serious incident.

21           Q.     Okay. When you have this form at the  
22    end of the year with a total score and two failings,  
23    is there a separate meeting that takes place with  
24    the teacher to go over this?

1           A.     We require to meet with any teacher  
2     that has a failing on their form.  So, I met with  
3     the teachers regarding failing here.

4           Q.     What do you recall about that meeting?  
5     This would have been at the end of the school year,  
6     right?

7           A.     Yes.  Well, I have to have -- just --  
8     We reviewed why they got failing marks.

9           Q.     Is that meeting in writing at all or is  
10    it just a verbal meeting?

11          A.     A verbal meeting.

12          Q.     Do you recall what Ms. Andrews or Ms.  
13    Divver had said to you in those meetings at the end?

14          A.     I don't recall that, no.

15          Q.     Do you recall whether you had put  
16    either one of them on a performance improvement plan  
17    after this --

18          A.     I did not put them on a performance  
19    improvement plan.

20          Q.     Is that something as a Principal that  
21    you are able to do?

22          A.     Yes.  No, I don't believe I did.  No.

23          Q.     Do you know why you didn't put them on  
24    a performance improvement plan since they were



1 failing?

2           A.     Usually it would require multiple areas  
3 to improve upon. In this case, with it being a  
4 little more isolated, I don't think it needed an  
5 improvement plan. Had I seen other incidences that  
6 they failed to report for things like that, then I  
7 would have done an improvement plan.

8           Q.     Now, in some of the documents that we  
9 have gone over -- Hold on. Some of the documents we  
10 went over today referenced some prior incidences  
11 involving [REDACTED] with female students in fourth and  
12 fifth grade. I think you said that you didn't  
13 recall those incidences as we sit here today?

14          A.     No, I don't.

15          Q.     If there had been prior incidents in  
16 school, would that have been something that you  
17 would have expected to be documented?

18          A.     Yes.

19          Q.     Like, an Office Referral Form for  
20 example?

21          A.     Yes.

22          Q.     I think you told us, unless it was --  
23 Well, at the end of the school year those Office  
24 Referral Forms would be shredded; correct?

1           A.     Correct.

2           Q.     So, if something happened in fourth  
3     grade, based on the policy that you had at the  
4     school, at the end of fourth grade any of the Office  
5     Referral Forms, they would have been shredded by  
6     either the teacher or you, right?

7           A.     Correct.

8           Q.     If there had been an Office Referral  
9     Form involving [REDACTED] touching female students at  
10    school, would that have been something you would  
11    have shredded at the end of the school year?

12          A.     Not necessarily.

13          Q.     When you say "not necessarily," what do  
14    you mean?

15          A.     Because you are asking me a  
16    hypothetical, so I am kind of giving you a  
17    hypothetical back. I haven't had a student that had  
18    multiple incidences of touching. So, I guess you  
19    are asking would I have probably kept it? Yes, I  
20    probably would have.

21          Q.     I guess when you are saying, you know,  
22    you could have, I just was wondering if there was,  
23    like, a distinguishing -- whether in these  
24    circumstance you would or these circumstance you

1 wouldn't?

2 A. No.

3 Q. Did you have the authority or ability  
4 to expel [REDACTED] after --

5 A. No.

6 Q. -- these -- Sorry. -- after these  
7 incidences at the end of the year?

8 A. Sorry. No. Expulsion only comes from  
9 the Superintendent and has to be requested through  
10 the School Board.

11 Q. The School Board has to request it from  
12 --

13 A. The Superintendent recommends it. It's  
14 put on the School Board agenda and voted on by the  
15 School Board.

16 Q. Okay. What is the most that you can do  
17 in terms of discipline for a student as a Principal?

18 A. When you are saying "most", I guess you  
19 are saying most severe?

20 Q. Correct.

21 A. Out-of-school suspension is probably  
22 the most severe.

23 Q. Are you able to, as a Principal,  
24 recommend that a student like [REDACTED] who has

1 multiple reports of touching female students, can  
2 you recommend he receive treatment?

3 MS. JORDAN: Note my objection to the  
4 form of the question. You can answer.

5 THE WITNESS: I can, as we did, you  
6 know, ask parents for permission to involve  
7 Mission Kids or we have other organizations  
8 now in our District. We can ask for parents'  
9 permission to enroll them in those programs,  
10 but we have to get the parents' permission.

11 BY MS. LAUGHLIN:

12 Q. I think from the notes we were  
13 referring to, my understanding was that the Mission  
14 Kids conversation was more for the female parents?

15 A. In the notes it says we offered both  
16 parents to have involvement through Mission Kids.  
17 At that time we didn't have many outside agencies.  
18 We have many more now, but at the time we didn't  
19 have a ton of outside agencies.

20 Sometimes you need to refer through  
21 either Children and Youth or Mission Kids to open  
22 the door for different services. So, that is why we  
23 also involved Children and Youth. Not that  
24 necessarily it was a criminal act, but sometimes

1     that's what opens doors for families to get  
2     services.

3             Q.     Just to clarify. When you said both  
4     parents were notified about Mission Kids and they  
5     declined, I was understanding that to mean [REDACTED]'s  
6     family and the other female victim's family. But  
7     did you mean [REDACTED] family?

8             A.     I think my notes, don't they reference  
9     both [REDACTED] and [REDACTED]? I have to see my notes  
10    again to say this.

11            Q.     It wasn't by name, it just said both.

12            A.     Right. I would have to go through the  
13    notes, and I still might not recall exactly who we  
14    offered it to.

15            Q.     As a Principal, are you able to put  
16    information in [REDACTED] IEP at all?

17            A.     I am part of the team that can put  
18    information in to her IEP, and then ultimately it  
19    must -- if services are to be instituted, we have to  
20    have the parents' permission for that.

21            Q.     Okay. By the end of [REDACTED]'s school  
22    year, was there any discussion or did you ever  
23    consider putting in [REDACTED]'s IEP, since she had 1,  
24    about keeping [REDACTED] away from her, in terms of

1 their education?

2 A. No, that wouldn't necessarily be  
3 something documented in the IEP.

4 Q. Why not? Why do you say it like that?

5 A. Because it has to be -- That is not  
6 necessarily an educational programing decision.  
7 That would be something I would want to get -- I  
8 would have to get further clarification on, if we  
9 were even allowed to do it, from either our Director  
10 of Special ED or our legal counsel.

11 Q. Okay. Is there anything you know of  
12 that you could have done at the elementary school  
13 level in terms of [REDACTED]'s file to document what had  
14 happened so that it would follow her or go to, like,  
15 her middle school or something like that so they're  
16 aware of it?

17 A. Honestly --

18 MS. JORDAN: Note my objection to the  
19 form of the question. You can answer.

20 THE WITNESS: Honestly, since they were  
21 both going to separate middle schools, I  
22 don't think we saw the need to document  
23 anything like that.

24 BY MS. LAUGHLIN:

1           Q.     What about for high school? Did you  
2 anticipate at the time that they may end up at the  
3 same high school at some point after the middle  
4 school transfer?

5           A.     Honestly, it's not something we  
6 discussed, no. Not at the elementary level.

7           Q.     Are you aware of the incidents that  
8 [REDACTED] had with [REDACTED] again in high school?

9           A.     No.

10          Q.     I just want to show you another  
11 document. The documents I am showing you are  
12 documents that have been produced to me by the  
13 District as [REDACTED] education file.

14          A.     Okay.

15          Q.     So, these are the documents. There is  
16 this page. --

17          A.     Mm-hmm.

18          Q.     -- which is an incident at the middle  
19 school. So, this was after you were his -- after he  
20 was in your school. Then the second page I am gonna  
21 show you, it's a four-page document. The top of it  
22 has his grades.

23          A.     Right.

24          Q.     And then on Page 4 of 4 there's a



1 Discipline Incident List?

2 A. Yes.

3 Q. Have you seen forms that look like this  
4 before?

5 A. This is through, I believe, the old  
6 Front Line system.

7 Q. And that is the electronic record  
8 keeping system --

9 A. Yes.

10 Q. -- at some point after 2014-2015 the  
11 District implemented?

12 A. Yes.

13 Q. So, I just want to look at this here,  
14 and there is one listed under Gwynedd Square  
15 Elementary where it says incident was obscene  
16 language and gesture.

17 Do you see that?

18 A. Yes.

19 Q. It says the incident date time is  
20 4/9/2015?

21 A. Okay.

22 Q. Do you know why there is only one  
23 incident listed in [REDACTED] file?

24 A. Typically that is only when they are

1     suspended does it get listed like that.

2             Q.     So, this Discipline Incident List is  
3     usually only when there is a suspension given to a  
4     student?

5             A.     Correct. In our old system. Yes.

6             Q.     Now, my understanding is this is the  
7     entirety of the file for [REDACTED] [REDACTED] I just  
8     showed you the five pages and there is no note in  
9     this file or letter that was sent to his parents,  
10    like you referenced, would be documented in a --

11            A.     That -- Go ahead. I'm sorry.

12            Q.     -- in a student like this. Do you know  
13    why?

14            A.     That is not his entire file. So, this  
15    is the online Front Line system document that you  
16    have. Anything from elementary school, I don't know  
17    what happens to it once it goes to middle school.

18                    So, his suspension letter, his DIBELS  
19    assessment scores, his report cards, and everything  
20    else, they were in paper form and were delivered to  
21    Penndale Middle School after the 2015 school year.  
22    So, I don't know what happens to them after that.

23            Q.     After the box gets delivered to the  
24    actual middle school?

1           A.     Correct.

2           Q.     So, you would agree with me that as far  
3 as the file you would have kept on him, that is not  
4 in here?

5                   MS. JORDAN: Note my objection to the  
6 form of the question. You can answer.

7                   THE WITNESS: The documents that we  
8 kept on him while he was attending Gwynedd  
9 Middle School are not listed on this form.

10 BY MS. LAUGHLIN:

11           Q.     Okay. Do you have any idea the ones  
12 the District converted to electronic, like the  
13 system that you were talking about, what happened to  
14 the paper files? Did they ever tell you that?

15           A.     Nope. I don't know what happened to  
16 them.

17           Q.     I think those are all the questions I  
18 have for you, Mr. Bowen.

19           A.     All right. Pleasure speaking with you  
20 today.

21           Q.     You too.

22                   MS. LAUGHLIN: No questions, Maureen,  
23 right?

24                   MS. JORDAN: I don't have any

1           questions, thanks. We can go off the record.  
2           I am getting a copy, email as well as a hard  
3           copy.

4                   (Whereupon the deposition concluded at  
5           2:50 p.m.)

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C E R T I F I C A T I O N

I, Stephanie A. LaForte, a Court  
Reporter, Notary Public, do hereby certify the  
foregoing is a true and accurate transcript of the  
stenographic notes taken by me in the aforementioned  
matter.

DATE:

A handwritten signature in blue ink, appearing to read "Steph LaForte", followed by a horizontal line.

Stephanie A. LaForte

Court Reporter

Notary Public

# EXHIBIT “G”

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                               -   -   -

4  
5           JANE DOE,                               :  
            Plaintiff,                            :   CIVIL ACTION  
  :   NO. 2:20-CV-  
6           v.                                    :   05142

7           NORTH PENN SCHOOL                   :  
            DISTRICT,                           :  
8           Defendant.                           :

9                               -   -   -

10                           August 25, 2021

11                           -   -   -

12  
13                           Remote oral deposition of  
14           CHERYL McCUE, taken pursuant to notice,  
15           was conducted at the location of the  
16           witness, beginning at 10:05 a.m., on the  
17           above date, before Ben Pieczynski, Jr., a  
18           Professional Reporter and Notary Public  
19           for the Commonwealth of Pennsylvania.

20                           -   -   -

21  
22                           GOLKOW LITIGATION SERVICES  
                          877.370.3377 ph| 917.951.5672  
                          deps@golkow.com



1 APPEARANCES:

2  
3 FREIWALD LAW

BY: LAURA E. LAUGHLIN, ESQUIRE

4 1500 Walnut Street

Suite 1801

5 Philadelphia, Pennsylvania 19102

(215) 875-8000

6 lel@freiwaldlaw.com

Representing the Plaintiff

7 (Via Zoom web conference)

8  
HENDRZAK & LLOYD

9 BY: MAUREEN A. JORDAN, ESQUIRE

3701 Corporate Center Parkway

10 Suite 100

Center Valley, Pennsylvania 18034

11 (610) 709-8705

maureen.jordan@zurichna.com

12 Representing the Defendant

(Via Zoom web conference)

13  
14 WISLER PEARLSTINE, LLP

BY: KYLE J. SOMERS, ESQUIRE

15 460 Norristown Road

Suite 110

16 Blue Bell, Pennsylvania 19422

(610) 825-8400

17 ksomers@wispearl.com

Representing the Defendant

18 (Via Zoom web conference)

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Testimony of: CHERYL McCUE  
By Ms. Laughlin

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E-X-H-I-B-I-T-S  
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NO.	DESCRIPTION	PAGE
Exhibit-A	Curriculum vitae	380

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DEPOSITION SUPPORT INDEX

DIRECTIONS NOT TO ANSWER:

PAGES: None

REQUESTS FOR DOCUMENTS OR INFORMATION:

PAGES: None

STIPULATIONS AND/OR STATEMENTS:

PAGES: None

MARKED QUESTIONS:

PAGES: None

1 - - -

2 CHERYL McCUE, after having  
3 been duly sworn, was examined and  
4 testified as follows:

5 - - -

6 EXAMINATION

7 - - -

8 BY MS. LAUGHLIN:

9 Q. Hi, good morning.

10 A. Good morning.

11 Q. Just so I get the, the title  
12 right, are you Dr. McCue? How do you --

13 A. I am. You can just refer to  
14 me as Cheryl, though, that's fine. But I  
15 do have --

16 Q. I'll probably --

17 A. I do have my doctorate.

18 Q. Okay. I appreciate that,  
19 but I'll probably be a little more  
20 formal.

21 A. Okay.

22 Q. So I'll --

23 A. I understand.

24 Q. -- probably refer to you as

1 Dr. McCue. I hope that doesn't -- that's  
2 okay.

3 Have you ever given a  
4 deposition before?

5 A. I believe so, yes.

6 Q. About how long ago?

7 A. Probably years, when I think  
8 back, yes.

9 Q. Was it in, like, the context  
10 of your work with the North Penn School  
11 District?

12 A. No. I think it was prior to  
13 that.

14 Q. Okay.

15 A. In a different school  
16 district. I've been in mediations and  
17 other hearings in situations through my  
18 work with North Penn.

19 Q. Like, as, like, the director  
20 of HR?

21 A. Yes.

22 Q. So I'm gonna give you some  
23 ground rules that will make things  
24 hopefully go a little bit easier today,

1 especially since we're all over Zoom and  
2 in our own areas, offices and things.

3 Since there's a court  
4 reporter that's in the virtual room  
5 taking everything down, they're taking  
6 down everything that I say, all of my  
7 questions, and all of your answers, so  
8 everything needs to be verbal, okay?

9 A. Yes.

10 Q. It's common, in  
11 conversation, to nod your head or say  
12 uh-huh or uh-uh, and everybody does it.  
13 Just yesterday, I had a deposition, and  
14 the witness did it. So if that happens,  
15 I'll try and follow-up and, and catch it,  
16 so we can get a clear transcript, but I'm  
17 not trying to be rude. That's what I'm  
18 doing, though, okay?

19 A. Understood.

20 Q. Since there's a court  
21 reporter taking down everything that's  
22 said, only one person can speak at a  
23 time. So you may think you know where  
24 I'm going with my question, but I would

1 just ask that you allow me to finish  
2 before you start your answer, and if I  
3 start my next question and you weren't  
4 done answering, just let me know, and  
5 I'll let you finish, okay?

6 A. Absolutely.

7 Q. If there is a question I ask  
8 that you're not sure what I meant or it  
9 comes out a bit jumbled, just let me  
10 know, and I'll try and rephrase it. If  
11 you answer it, though, we're all going to  
12 assume that you understood the question,  
13 since I gave you that instruction, okay?

14 A. Yes.

15 Q. If you need to take a break  
16 for any reason today, that's fine, just  
17 let us know, and you can do so. I would  
18 just ask, if there's a question pending,  
19 that you answer the question before you  
20 take your break, okay?

21 A. Yes.

22 Q. We're gonna be talking,  
23 generally, about your background and  
24 things like that over the years and some



1 events that took place in, like, 2014 and  
2 2015 and after that as well. If there's  
3 something you don't remember or you don't  
4 know, I don't want you to guess, okay?

5 A. Yes.

6 Q. But if you're estimating,  
7 like you don't know the exact month but  
8 you have the general timeframe or things  
9 like that, you can give an estimate, just  
10 let us know that's what you're doing,  
11 okay?

12 A. I'll clarify as such, yes.

13 Q. Okay. And I understand,  
14 just before the -- before this  
15 deposition, did you review any documents  
16 or anything?

17 A. Yes.

18 Q. Okay. And I just want to  
19 give one last instruction before I ask  
20 you questions about what you reviewed  
21 before your deposition today.

22 I'm gonna be asking you  
23 questions about conversations you've had,  
24 but I'm not asking you conversations

1     you've had with your counsel in  
2     preparation for this deposition today,  
3     those are off limits, okay?

4             A.     Yes.

5             Q.     What documents did you  
6     review in preparation for today?

7             A.     Some of the notes that I had  
8     taken during the course of the  
9     investigation.

10            Q.     And are you referring to  
11    your handwritten notes from the Gwynedd  
12    Square situation?

13            A.     Yes.

14            Q.     Is there anything else that  
15    you reviewed before today?

16            A.     Not, not to my knowledge,  
17    no.

18            Q.     Okay. Other than  
19    conversations with your lawyer, have you  
20    had any other conversations with anybody,  
21    whether it's North Penn administration or  
22    anybody else, before this deposition  
23    today?

24            A.     No.

1           Q.     I understand, just prior to  
2     the deposition, I received from your  
3     counsel, a copy of your resume?

4           A.     Yes.

5           Q.     Do you have that in front of  
6     you?

7           A.     I do.

8           Q.     Okay. Is it this -- I just  
9     did a little thing, but is that the  
10    document?

11          A.     It is, yes.

12          Q.     Okay. I'm going to mark  
13    this as Exhibit-A, and I can e-mail it to  
14    you, or the court reporter, after the  
15    deposition today to be attached to the  
16    transcript. Normally I'd pass it across  
17    the table and it gets marked, but we're  
18    in a different world these days, so  
19    everything's all virtual.

20                        So when was the last time  
21    that this resume was updated?

22          A.     It would have been in,  
23    probably, April or May of 2020, following  
24    my new position as director of employer

1 engagement with Lehigh University.

2 Q. Okay. And --

3 A. You see that top part of the  
4 professional profile?

5 Q. Yes, I see that.

6 A. The experiences relating to  
7 my current position, I did not include.  
8 It's not included in my resume because  
9 this was utilized in conjunction with my  
10 transition, my retirement from K to 12 ed  
11 and movement into higher ed.

12 Q. Okay. You said it's a  
13 retirement from K to 12 ed. I think  
14 when -- you know, I normally hear  
15 retirement, I think someone is retiring  
16 and moving to somewhere with warm weather  
17 or something like that.

18 But, I guess, explain for me  
19 your transition from -- what you mean by  
20 retirement from K through 12 and then  
21 going to higher education.

22 A. I finished a 33-year career  
23 in K to 12 and moved into the director of  
24 employer engagement with Lehigh

1 University.

2 Q. Why did you leave K through  
3 12 education at that time?

4 A. Because it was best for my  
5 family and my situation at the time. I  
6 had an opportunity to return to my alma  
7 mater to continue that work, and, quite  
8 honestly, after 33 years in K to 12 ed,  
9 it was, you know, very much time. The  
10 commute, the travel, the distance, you  
11 know, personal reasons with my family,  
12 that they are more needing of my time  
13 than, than the -- you know, what I could  
14 otherwise provide them. So this was an  
15 excellent opportunity and fit our life at  
16 the time.

17 Q. Okay. And did you straight  
18 from your role with North Penn School  
19 District to the job at Lehigh?

20 A. I did. I had one week in  
21 between, to transition, but -- and was  
22 still actually maintained as an employee  
23 in the district, due to vacation and --  
24 vacation time that I had to expend. So

1   there was a little bit of overlap,  
2   actually, and opportunity for me to  
3   support the transition to the new  
4   director.

5           Q.     The new director that was  
6   taking over at North Penn?

7           A.     Yes.

8           Q.     And were they -- the new  
9   director, were they taking over as  
10   director of human resources at the  
11   district?

12          A.     Yes.

13          Q.     Okay.

14          A.     That's correct.

15          Q.     I want to kind of go through  
16   your, your work experience prior to  
17   Lehigh, I guess, since, according to your  
18   resume, from -- was it 2010 to 2020, you  
19   had worked for the North Penn School  
20   District?

21          A.     Yes, that's correct.

22          Q.     Okay. And you started out  
23   as the director of elementary education  
24   from 2010 to 2014, right?

1           A.     Yes.

2           Q.     Okay.  And it says here,  
3     in -- on your resume, on the first page,  
4     that the director off elementary  
5     education is a cabinet level position.  
6     What does that mean, a cabinet position?

7           A.     The superintendant in the  
8     school district -- the leadership team,  
9     senior leadership, comprise a cabinet of  
10    12 members that the superintendant leads  
11    and supports in their administrative  
12    leadership within the district.  So, the  
13    director of elementary was a cabinet  
14    level position within the district.

15          Q.     Okay.  And can you just give  
16    me a, a general sense, I know it's, you  
17    know, here on your resume too, but just  
18    from your perspective, what your, like,  
19    role and responsibilities were as the  
20    director of elementary education for  
21    those four years.

22          A.     Sure.

23                   It was primarily  
24    supervision, oversight support and



1 assistance to the 6,500 students in 13  
2 elementary buildings and those leadership  
3 teams that existed in the district at the  
4 time. It required, you know, daily  
5 conversations with administrators, visits  
6 to buildings, oversight of the practices  
7 that were occurring, work with parents  
8 and community members in regards to  
9 supporting those buildings and whatever  
10 the initiatives that were happening in  
11 regards to the strategic plan that the  
12 district had as well as our elementary  
13 level goals at the time.

14 Q. Okay. So, some of those  
15 things seem, like, pretty broad, just in  
16 terms of, like, implementation with  
17 schools and things like that, especially  
18 13 elementary school buildings. So you  
19 were the director of all 13?

20 A. Yes, that's correct.

21 Q. Was there anybody below you,  
22 like, that's kind of, like, the assistant  
23 director of elementary that was, like,  
24 more hands-on -- of those 13 schools?

1           A.       No.

2           Q.       Okay.

3           A.       The building principals  
4 served as the leaders of their buildings  
5 and supervised and oversaw the activities  
6 happening in those buildings. When  
7 support was needed, that's where the  
8 director came into play.

9           Q.       When you say "support was  
10 needed", what kind of situation would you  
11 typically get involved in on an  
12 elementary school level?

13          A.       If we were reconfiguring a  
14 scheduling for the building or for the  
15 entire level, some initiative like that,  
16 we would be involved in; overseeing and  
17 coordinating things that were in common  
18 across all 13 buildings; general  
19 practices; implementing some new  
20 curriculum, would also be supported by  
21 the director of elementary and the  
22 director of curriculum at the time. If  
23 there were concerns with regard to  
24 practices in the building that were

1     unable to be managed or resolved at the  
2     building level, they often were escalated  
3     to the director of elementary to help  
4     facilitate a resolve. Sometimes those  
5     were dealing with parent complaints over  
6     practices and procedures in the building.  
7     Sometimes they may have been in regard to  
8     student behavior, teacher performance,  
9     you know, any of those kinds of things  
10    that you would associate with the  
11    teaching and learning process in a  
12    building.

13           Q.     Okay. One of the things you  
14    just mentioned was student behavior. And  
15    just so I make sure I'm understanding  
16    your answer, that for student behavior  
17    issues, they would be managed by the  
18    principal of the school, but if they  
19    couldn't handle it for some reason, would  
20    they reach out to you, or what does that  
21    process look like?

22           A.     Sure.

23                   It -- not necessarily that  
24    they couldn't handle it, but if it was of

1 such a nature or level that it was  
2 required to be elevated based on our  
3 policies or a higher level of discipline  
4 was required, so for example, if there  
5 was something that would have led to an  
6 expulsion or hearing status, some of  
7 those natures, then the natural  
8 progression with regard to policy and  
9 procedure was to elevate through my level  
10 and then eventually to the assistant  
11 superintendant and superintendant.

12                   So, you know, if there was a  
13 question or a concern, or if there was a  
14 situation in which another building had  
15 experienced it and there was a need or a  
16 desire to communicate across the 13  
17 buildings so that we were unified in the  
18 way that we chose to address the  
19 situation, that would have been another  
20 area in which they would have contacted  
21 the director. Sometimes it was a had  
22 heads up, if they were dealing with an  
23 issue and a parent was not seemingly  
24 happy. It might be a call to say, you

1 know, this parent, you know, calls you or  
2 comes over to the ESC, then this is what  
3 has happened, this is what's transpired,  
4 let me give you the back story so that  
5 you're able to appropriately deal with  
6 it.

7 Q. Okay. I just have a couple  
8 follow-up questions on that.

9 When you say that it is  
10 consistent across the building, sometimes  
11 you would be involved if you wanted to  
12 make sure that something was being  
13 implemented or done at the school is  
14 consistent across buildings, is that  
15 something that a principal would have to  
16 come to you with, or how would you know  
17 if something is being consistently done  
18 across school buildings?

19 A. We would have monthly,  
20 monthly meetings of the elementary  
21 principals. So we would discuss strategy  
22 and responses to discipline. We have  
23 a -- we had a discipline code at the time  
24 that was adhered to, and we would discuss

1    those things.  Now, obviously, the  
2    director of elementary is the connecting  
3    force among and across all 13 buildings.  
4    So that would be the, the connection to  
5    informing, you know, the director if, in  
6    fact, for example, there was a weapon  
7    brought onsite.  There were protocols to  
8    take -- to happen and occur, and those  
9    principals were very adept at following  
10   the protocols, contacting the police,  
11   doing the investigation, but then there  
12   was always a call to central office.  And  
13   in that role, the director of elementary  
14   would take the call to hear the concern  
15   and see if there was additional support  
16   that was needed.

17            Q.      When you say --

18            A.      A case.

19            Q.      Sorry.

20                    When you say the principals  
21   are very adept at handling, you know,  
22   these situations, how is that, like,  
23   monitored or assessed?

24            A.      Through supervision of their

1 performance, through professional  
2 development and training sessions whereby  
3 the director of elementary and the  
4 cabinet level members were participating,  
5 you know, and updates and responses to  
6 emergency situations or behavioral  
7 situations that involve students. So  
8 there was a very collaborative spirit in  
9 the district in order to make sure that  
10 we were referencing and dealing with  
11 situations in a similar format across the  
12 buildings, essential when you have a  
13 district the size of North Penn.

14 Q. When you say training on  
15 updates and things like that, how often  
16 was that happening for these building  
17 principals?

18 A. That was -- typically, the  
19 district had, at the time -- and I  
20 obviously can't speak for now -- but at  
21 the time, there was a structure in place  
22 where there would be monthly  
23 administrative meetings of all 60-plus  
24 administrators in the district at a



1 district level, followed by individual  
2 break out meetings by department. So  
3 elementary principals would meet,  
4 secondary principals would meet, special  
5 education supervisors and so on. And  
6 then aside from that or in addition to  
7 that, on the second meeting of the month  
8 was identified specifically to those  
9 individual departments and/or special  
10 groups. So, elementary principals would  
11 meet together with the entire  
12 administrative team of 60-plus once a  
13 month, and they would meet as well with  
14 elementary principal, elementary  
15 principal group at another point in the  
16 month. They also knew very well to  
17 experience a visit from me multiple times  
18 during the month to their buildings,  
19 where we would do building walks, we  
20 would talk about current events in the  
21 building, what was happening. I would  
22 attend faculty meetings in the building,  
23 home and school, or what you might know  
24 as parent association meetings, that

1 happened in the evenings. There was some  
2 discussion and talk sometimes at board  
3 meetings, you know, that would have us  
4 together, collaborating and sharing what  
5 was going on in the buildings.

6 So, those were all the ways  
7 that principals were kept informed and  
8 had an opportunity to share what was  
9 happening in the building so that the  
10 communication lines across the district  
11 remained open and, and known to everyone.

12 Q. At these once a month, like,  
13 60-plus administrative people getting  
14 together at meetings, you said, can you  
15 give me, like, a general sense -- I guess  
16 let me ask this, was it the same, pretty  
17 much, from 2010 to 2020, how those  
18 meetings were run and what was happening  
19 and things like that, or did it change  
20 over the course of the time?

21 A. It was very, very similar.  
22 Players changed, obviously, but the  
23 meetings were, were pretty, pretty stable  
24 in terms of the structure and the

1 approach. Additionally, you know, as I'm  
2 just thinking about it, we also  
3 experienced, as an administrative team,  
4 usually three days each summer as an  
5 administrative retreat, where the entire  
6 team would come together. And again,  
7 that was for strategic planning,  
8 projectioning (sic), updating on goals  
9 that had been reached, developing goals  
10 for the upcoming school year, and that  
11 would typically imbed with it some levels  
12 of training and professional development  
13 opportunities regarding the initiatives  
14 and setting principals up -- principals  
15 and central office administrators up with  
16 what they might need in order to move  
17 forward in the new school year with the  
18 goals that had been set.

19 Q. Okay. And this three-day  
20 administrative retreat that would take  
21 place each summer, is that just -- like,  
22 when you say administration, does that  
23 include the principals of the schools or  
24 is it higher level?

1           A.     It is the 60-plus  
2 administrative team that leads the  
3 district, yes. So it's --

4           Q.     Does --

5           A.     -- the entire leadership  
6 team.

7           Q.     Does that include the  
8 principals, though?

9           A.     It does, yes.

10          Q.     When you say that part of  
11 that three-day retreat involves some  
12 level of training, what portion of the  
13 three-day retreat is typically spent on  
14 training?

15          A.     It really depended on the  
16 initiatives at the time and the amount of  
17 training, whatever -- you know, what  
18 things were new, and coming into the  
19 district, we almost always would  
20 incorporate an expert in the field or  
21 someone that could help facilitate that  
22 knowledge-base and those practices. So  
23 it really would be challenging for me to  
24 share a percentage of the time, because

1 it was largely dependent on the goals and  
2 initiatives that had been created by the  
3 cabinet and set in place in the planning  
4 for those administrative retreats.

5 Q. Do you know whether there's  
6 somewhere that's kept or documented what  
7 the agenda would be on these annual  
8 retreats, like what the training was on  
9 or who the speaker was or things like  
10 that?

11 A. Yes. I believe there are  
12 agendas that were set in motion for each  
13 year. Whether they were archived, you  
14 know, I can't speak to that. But going  
15 into the retreats, we would have agendas  
16 in place.

17 Q. Do you know who would be the  
18 person who would be responsible or might  
19 know about, like, archiving or whether  
20 those things were saved in some capacity?

21 A. I would venture to say that  
22 perhaps the assistant superintendents  
23 would be a good starting point. But  
24 again, some of the leadership

1 responsibilities for retreat and  
2 discussions within the retreat were  
3 shared responsibilities across the  
4 administrative team, and, you know, being  
5 gone for 18 months or so, I can't tell  
6 you where those might be housed at this  
7 point.

8 Q. Mm-hmm.

9 When you say assistant  
10 superintendant, is there someone in  
11 particular? Like, I think Todd Bauer is  
12 one of the assistant superintendants. Do  
13 you know who specifically might be -- or,  
14 at the time was kind of the go-to person  
15 for something like that?

16 A. Again, the people in those  
17 roles have transitioned over time. So I  
18 believe that perhaps the current  
19 assistant superintendant, and probably  
20 specifically Todd Bauer, with his  
21 longevity in the position, might be a  
22 good starting point.

23 Q. Okay. In terms of the -- do  
24 you know -- can you -- sorry, strike

1     that.

2                     Were you present for these  
3     annual three-day retreats each summer?

4             A.     Yes.

5             Q.     And do you recall whether  
6     there was training on Title IX over those  
7     years at these retreats?

8             A.     I believe there was training  
9     in the context of Title IX as shared  
10    through the district solicitor.

11            Q.     Like, the district solicitor  
12    would come in and share Title IX  
13    knowledge to the group?

14            A.     Yes. As well as during our  
15    monthly administrative meetings, at  
16    times, and most often, specific to  
17    special education and, you know,  
18    components within Title IX.

19            Q.     Okay. When you say  
20    "components within Title IX", what are  
21    you referring to?

22            A.     Discrimination with regard  
23    to sexual harassment, gender-based, the  
24    component that we would know to be



1 present within Title IX.

2 Q. Okay. Can you estimate for  
3 me, if this retreat is done annually, how  
4 often the education would be given on  
5 Title IX and sexual harassment?

6 A. I cannot. Without the  
7 presence of the agendas, I cannot. I  
8 would only be speculating, and I don't  
9 recall.

10 Q. Do you know whether it was  
11 every year that you got it, or you can't  
12 tell me the amount of years, but it  
13 wasn't every year?

14 A. I don't believe it was every  
15 year. Beyond referencing our policies  
16 and procedures of which they cover Title  
17 IX. So if we had updates to policies and  
18 procedures, that would be included to  
19 inform, you know, our administrators to  
20 then turnkey and inform our staff. But  
21 I, you know, again, would be guessing,  
22 and I don't want to do that.

23 Q. No, I appreciate that. I  
24 don't want you to guess either.

1                   When you say -- you just  
2 mentioned that if there was, like,  
3 training, like, updates and stuff like  
4 that on Title IX issues, it would be  
5 turnkey that the administration would  
6 then inform the staff, is that what you  
7 said?

8                   A.       Yes.   Yes.

9                   Q.       How -- sorry -- how would  
10 the administration know to inform the  
11 staff, is there a process in place for  
12 that?

13                  A.       There is, and that would be,  
14 again, any information that was dealt  
15 with either in the administrative  
16 retreats, our monthly large-scale  
17 administrative meetings or the principal  
18 meetings, within those agendas and those  
19 topics, the discussion for things that  
20 needed to be taken back and implemented  
21 at the building level and shared with  
22 staff or discussed.   So in leading the  
23 elementary principals, coming out of our  
24 administrative meetings of cabinet level,

1 I would then formulate my agenda for the  
2 elementary principals, sharing with them  
3 the policy, procedure updates, things of  
4 that nature, and then they would, in  
5 turn, take it back and share with their  
6 staff at faculty meetings.

7                   There were times as well  
8 where I, as the director of elementary,  
9 would go to a faculty meeting and either  
10 co-facilitate, co-share or even present  
11 on my own the updates or the changes. So  
12 that, again, relates back to earlier  
13 discussion when I shared that I would, I  
14 would be at faculty meetings, at times.  
15 Sometimes it was to look, listen and  
16 learn, other times it was to embark  
17 knowledge or share information with staff  
18 in the buildings.

19               Q.     Since you're splitting your  
20 time over the 13 different elementary  
21 school buildings, do you have an estimate  
22 of how often you were at the faculty  
23 meetings at Gwynedd Square?

24               A.     I -- again, I venture to

1     guess, I can tell you that I made a  
2     majority of the faculty meetings across  
3     all the buildings. They were typically  
4     on specific days of the week, we  
5     coordinated those, and there was a period  
6     of time in my tenure as director of  
7     elementary that the building was without  
8     a principal and I was also supervising  
9     that building and in place. So I was  
10    running faculty meetings and supporting  
11    the leadership team in the building. So,  
12    of that, that staff was absolutely very  
13    accustomed to seeing me and, and very  
14    comfortable.

15           Q.     Are you saying at Gwynedd  
16    Square there was a period of time that  
17    there wasn't a principal?

18           A.     Yes.

19           Q.     Do you have an estimate as  
20    to when that was?

21           A.     I believe it was very early  
22    on, probably in 2011 or so. Again, it is  
23    a guess. We'd have to go back through  
24    the HR records. But we had a retirement,

1 and there was a search. We wound up, you  
2 know, delaying the appointment of the  
3 principal and moved through some  
4 supervisory issues with, with the interim  
5 principal. So I was unseen a significant  
6 amount of time.

7 Q. Do you have an estimate --  
8 and I guess to just clarify a difference  
9 between, like, a guess and an estimate,  
10 if it's something you have no idea, like  
11 you weren't part of that meeting, like, I  
12 don't want you to guess at something you  
13 have no knowledge of. But if we're  
14 talking about, like, timeframes like this  
15 and you don't know the exact timeframe  
16 but you know that it was before this or  
17 after that, you can estimate on those  
18 things. But if it is something that you  
19 really have no knowledge, for whatever  
20 reason, and you just flat out don't  
21 remember anything like that, just, that's  
22 okay.

23 A. Yeah. Okay. Thank you.

24 Q. The -- do you have an

1 estimate of how long that was the case,  
2 when Gwynedd Square didn't have a  
3 principal and you were kind of in that  
4 role too?

5 A. Yes. The -- it was from, I  
6 believe, spring break or Easter of the  
7 spring semester through the first few  
8 weeks of the school year, at the start --  
9 in September of the next school year, at  
10 which point Mr. Bowen had been hired and  
11 was coming on board. So it was between  
12 that interim gap. And forgive me, I  
13 don't recall the years. I know it was  
14 fairly early, probably 2011 or '12,  
15 within my tenure as the director of  
16 elementary.

17 Q. Okay.

18 A. I believe.

19 Q. Okay. And I just want to go  
20 back for a moment. When you were talking  
21 about this turnkey thing that would be  
22 discussed at this administrative level  
23 meeting that would then -- the  
24 expectation would be that the principals

1 would then go and implement or inform  
2 their staff at the actual school itself,  
3 safe to say, that was your expectation,  
4 that the principals would be taking what  
5 they learned at those meetings and then  
6 passing that on to the staff at the  
7 schools?

8 A. Yes, absolutely.

9 Q. And you also mentioned that  
10 sometimes you would create an outline for  
11 the principals?

12 A. Well our agendas. Our  
13 meetings had agendas with topics and  
14 information to be shared.

15 Q. Information to be shared at  
16 that particular meeting?

17 A. Yes, the agenda topics.

18 Q. Okay. Was there any -- just  
19 to make sure I'm understanding, was there  
20 any separate that you might create for  
21 the principals to then, like, implement  
22 or, you know, guidance for them to take  
23 back to their staff at the actual schools  
24 themselves?



1           A.     Yes.

2           Q.     And can you tell me about  
3     that.

4           A.     Very, very generally, very  
5     globally, there were times when things  
6     would occur in between meetings, and  
7     guidance would need to be provided to 13  
8     buildings. So there might have been an  
9     e-mail with, you know, background to the  
10    issue or the policy or procedure change  
11    that would have been disseminated across  
12    the elementary buildings, follow-up to  
13    meetings that we had. Specific  
14    situation, you know, I obviously can't  
15    tell you at this point; but did it  
16    happen, absolutely.

17          Q.     And I think it sounds like  
18    you're referring to is kind of these  
19    things that would pop up typically  
20    outside of, like, the general agenda  
21    meetings, that you would need to send,  
22    like, a separate e-mail of, like, "hey,  
23    this happened" or "hey, there's this  
24    change" --

1           A.     Yes.

2           Q.     -- is that, is that what  
3     you're referring to?

4           A.     Yes. To coordinate among  
5     and across the buildings, yes.

6           Q.     What about in terms of,  
7     like, the actual, like, scheduled  
8     meetings that take place, was there  
9     anything like that that was a separate,  
10    like, direction to the principals on what  
11    to inform or how to inform their staff at  
12    the school?

13          A.     I'm going to have to ask  
14    that you clarify the question because I'm  
15    not understanding your lead.

16          Q.     Sure.

17                 I'm asking if it was  
18    something separate, like, that you're  
19    directing the principals to take back to  
20    school, or was it just the main agenda  
21    meeting, like, that would be the  
22    principals, it's up to them what they  
23    want to implement or what they should  
24    implement back to the school?

1           A.     If there was a general  
2 protocol created, either within the  
3 context of our meetings, it was expected  
4 that it be adhered to and implemented in  
5 the buildings across the board in the  
6 manner in which the decisions were made,  
7 whether it happened in the context of our  
8 meetings or whether it came as a  
9 directive via e-mail from myself or  
10 central office administrator outside of  
11 the meetings.

12           Q.     But when you say there's a  
13 general protocol, is there some type of,  
14 like, written policy or what's -- I  
15 guess, what's the general protocol?

16           A.     General protocols appeared  
17 in our administrative regulations that  
18 accompany each of the administrative  
19 policies, much like you would find in  
20 every school district.

21           Q.     Okay. So they're really  
22 like the policies and procedures of the  
23 school district, like harassment policy  
24 and things like that, is that what you're

1 referring to?

2 A. Yes, that's correct.

3 Q. Okay. I guess what I'm  
4 asking about is, was there any type of  
5 policy or procedure in place to guide the  
6 principals as to what from those  
7 administrative meetings trickle down and  
8 get to the staff at each of the  
9 elementary schools?

10 A. The discussion within the  
11 meetings themselves. So, within the  
12 agendas were the topics, and then the  
13 action steps, outcomes and notes taken  
14 would have guided principals as to what  
15 they were to go back and share.

16 Q. And was that on the agenda?

17 A. There were notes following  
18 the meetings, yes. Notes were taken  
19 during the meeting, and those were shared  
20 out with action steps for how things were  
21 to be communicated and implemented.

22 Q. Okay. Do you know whether  
23 those were -- were they typed up, the  
24 notes at the end of the meeting?

1           A.     In most cases, yes.

2           Q.     And do you know whether they  
3     were, like, saved in any capacity, or is  
4     that something for, like, an assistant  
5     superintendent?

6           A.     They would have resided with  
7     the director of elementary and/or the  
8     individual principals. Because at that  
9     point, I believe the district was  
10    operating off of a SharePoint as opposed  
11    to a Google Drive. So in realtime, notes  
12    were being projected on the screen for  
13    everyone to see and then stored within  
14    the SharePoint.

15          Q.     Okay. And then, you're  
16    saying, at some point the district went  
17    from SharePoint to Google Drive?

18          A.     Yes, that's correct.

19          Q.     Okay.

20                 MS. LAUGHLIN: Maureen, I  
21    just ask for -- I know I've asked for,  
22    like, training and everything like  
23    that previously a couple of times, but  
24    including in that, the agendas for

1       these meetings and the notes and  
2       things like that with these action  
3       plans and everything that Dr. McCue  
4       just referenced, and I can send you a  
5       follow-up for that. But I'll be  
6       requesting those as well.

7 BY MS. LAUGHLIN:

8           Q.       Was there any type of  
9       follow-up that you know of through the  
10      district to ensure that the information  
11      that was at these meetings that the  
12      principals are expected to take down to  
13      this staff level at each elementary  
14      school, that that actually happens or any  
15      process in place to, to make sure that  
16      was happening?

17           A.       That would happen in the  
18      performance of the individuals in  
19      reaction to the information that was  
20      being shared. So, you know, for example,  
21      you know, if we were implementing a  
22      different schedule structure, it would be  
23      seen in visits through the building,  
24      that, you know, principals and teachers

1 were adhering to new schedule  
2 configuration in, you know, in responses  
3 to situations as well as, at times, as I  
4 indicated before, I would be present in  
5 the faculty meeting to know that that  
6 information was -- had been disseminated  
7 to, to staff and teachers.

8                   We were a very hands-on  
9 administrative team. It was an  
10 expectation from our superintendant, one  
11 that he modeled, that we be out and be  
12 visible in buildings. And so, it wasn't  
13 uncommon for us to be in and about  
14 buildings, talking with staff, you know,  
15 about their practices, visualizing their  
16 practices, seeing things being  
17 implemented. So, in response to that, it  
18 was done through supervision,  
19 observation, sometimes direct  
20 responsibility and direct communication  
21 with staff and a trust in our  
22 administrators that they were doing what  
23 they needed to be doing, quite honestly.

24                   Q.       Sure. I mean, you would



1 hope that that would be the case, I'm  
2 sure.

3 A. (Nodding.)

4 Q. After your role as director  
5 of elementary education, I see then you  
6 moved into the director of human  
7 resources role in 2014?

8 A. That's correct.

9 Q. How did you do that, how did  
10 you make that transition from those two  
11 positions?

12 A. Can you clarify for me,  
13 please, what --

14 Q. Like, did a job -- did,  
15 like, an opening come up in human  
16 resources and you decided you wanted to  
17 move into that role and apply for it, or  
18 how did you transition from being a  
19 director of elementary education to then  
20 taking on the role of director of human  
21 resources?

22 A. Yes. We had a retirement  
23 from the prior director of human  
24 resources that took effect June 30th of

1     that 2014 year. Somewhere in early  
2     spring there was a discussion at the  
3     administrative level with the  
4     superintendent and myself and the school  
5     board and an appointment then occurred  
6     with my candidacy -- my being appointed  
7     to the position. So it was an  
8     administrative move within the district.

9             Q.     And then did someone fill in  
10    your role as director of elementary  
11    education?

12            A.     Yes.

13            Q.     I'm looking at your resume  
14    now, and one of the things it says is  
15    enforces policies, procedures and  
16    regulations supporting the public school  
17    code and the North Penn School District's  
18    school board.

19                    In terms of this, is that  
20    more on the staff level?

21            A.     I'm sorry, can you repeat  
22    that?

23            Q.     Sure.

24                    I'm referring to the part of

1 your resume that says, enforces policies,  
2 procedures, regulations, supporting the  
3 public school code and the North Penn  
4 School District's school board, it's the  
5 second to last bullet point --

6 A. Yes.

7 Q. -- on your resume.

8 A. Yes.

9 Q. Is that referring to -- in  
10 terms of, like, the staff or employees of  
11 the school district and school board?

12 A. It is in terms of the  
13 policies that are set forth by the school  
14 board to make sure that people are in  
15 compliance. So it could be  
16 administrative, it could be leadership,  
17 it could be faculty level or staff level  
18 within the district.

19 Q. Okay. I guess I'm trying to  
20 distinguish, it's not, like, student  
21 level?

22 A. Very rarely would I be  
23 involved in student level concerns, as a  
24 director of human resources, if that

1 helps in answering your question.

2 Q. Yeah.

3 Would it just be like you  
4 had explained before, if a student was  
5 facing expulsion or something like that,  
6 then it would rise to your level?

7 A. Not as the director of human  
8 resources. As the director of  
9 elementary, it would have. Director of  
10 human resources, unless there was a  
11 concern with regard to employee  
12 performance, I typically would not get  
13 involved in a situation like that. As  
14 director of human resources, I just -- I  
15 wouldn't -- typically that would be done  
16 by the principals or -- and/or the  
17 directors of the level.

18 Q. Meaning, like, directors of  
19 elementary?

20 A. Director of elementary,  
21 director of secondary, director of  
22 special education, what have have.

23 Q. Okay. So, really, would it  
24 be safe to say, in this role, that you

1 are really dealing with employee level  
2 stuff?

3 A. Yes.

4 Q. Other than being a director  
5 of human resources, was there any other  
6 job titles that you had during this time?

7 A. Within the, within the  
8 director of human resources job  
9 description, the coordinator for Title IX  
10 would have been an -- a responsibility.

11 Q. And how did you know that's  
12 one of your responsibilities, the  
13 coordinator for Title IX, in this role?

14 A. As I indicated, in the job  
15 description. And within the policies  
16 that were set forth within the district.

17 Q. Was this the case from 2014  
18 all the way through 2020?

19 A. No, it was not.

20 Q. When did that change?

21 A. It would have changed, I  
22 believe, in and around 2019, I believe,  
23 the later part of 2018, beginning part of  
24 2019. There was a shift for the Title IX

1 coordinator to the assistant director of  
2 human resources, directed by the, the  
3 board of school directors.

4 Q. Okay. So you're saying, in  
5 late 2018, early 2019, the role of Title  
6 IX coordinator went to the assistant  
7 director of human resources at that  
8 point?

9 A. Yes, that's correct. To the  
10 best of my knowledge, in that timeframe.

11 Q. Do you know why that change  
12 was made, then, at that time?

13 A. I believe it was a result of  
14 the school board having additional  
15 responsibilities for the director of  
16 human resources' role, and movement along  
17 those lines would help facilitate  
18 involvement and engagement in those  
19 priority issues for the board at that  
20 time.

21 Q. From 2014 through the end of  
22 2018, or whenever the roles shifted, were  
23 you the only coordinator for Title IX  
24 through the district?

1           A.       No.   Our organizational  
2   structure at the time, or part of that  
3   time, provided for point persons within  
4   the district to serve in their roles to  
5   help facilitate Title IX issues and  
6   concerns and communications.   However the  
7   director of human resources was the  
8   overall coordinator for Title IX within  
9   the district.   So there were additional  
10   point administrators to help deal with  
11   those specific audiences.   And then, as I  
12   said, when the transition happened, I can  
13   also share that I believe the transition  
14   to assistant director of HR happened  
15   because it was also the first time in the  
16   history of the district that there was an  
17   assistant director in human resources.  
18   So there wasn't, there wasn't a point of  
19   a choice or option prior to that period  
20   of time because there wasn't another  
21   administrator within the department.

22           Q.       Were you the only person up  
23   through when -- at the end of 2018, when  
24   they hired this -- made this new role for



1 the director of human resources, were you  
2 the only director of human resources for  
3 the entire North Penn School District?

4 A. Yes. There is one role of  
5 director within the district that  
6 oversees human resources.

7 Q. Okay. And can you, I guess,  
8 if there's 13 elementary schools, how  
9 many middle schools are there in the  
10 district?

11 A. Three.

12 Q. And then how many high  
13 schools?

14 A. One.

15 Q. Can you estimate for me, out  
16 of the 13 elementary schools, three  
17 middle schools and one high school, how  
18 many, like, employees you were in a sense  
19 supervising or, like, overseeing for HR?

20 A. We had approximately 1,900  
21 full-time and part-time employees across  
22 all sectors of the district with an  
23 additional 400 to 500 substitutes that  
24 reported through human resources at any

1 given time or had a need to interact with  
2 our department. Thankfully, not everyone  
3 every day.

4 Q. When you say they, they  
5 would interact with your department or,  
6 like, report through your department,  
7 what kind of things would, I guess, you  
8 be receiving from those 400 to 500,  
9 understanding not every day, but in  
10 general?

11 A. The 400 to 500 substitutes  
12 or the total 2,400 employees within the  
13 district?

14 Q. Were you receiving, like,  
15 communication from both sets? For both  
16 the 2,400 and the substitutes, was that  
17 all coming through your office?

18 A. Yes.

19 Q. Okay. And just to -- sorry,  
20 go ahead.

21 A. We were responsible for all  
22 aspects of human resources interactions  
23 with personnel for the entire district.  
24 It could be posting positions,

1   onboarding, hiring processes,  
2   interviewing and the like and then  
3   supervision evaluation, the process  
4   behind that, managing paperwork and/or  
5   computer files, things of that nature.

6           Q.     When you say, like, "we were  
7   responsible", was there other people in,  
8   like, the department, was there a  
9   Department of Human Resources other than  
10   you?

11          A.     Yes.  I supervised a team of  
12   individuals who had areas of  
13   responsibility and expertise in the  
14   field.

15          Q.     Okay.  And how many people  
16   were you supervising?

17          A.     It varied at times, but  
18   anywhere from, I believe our low might  
19   have been five and our high might have  
20   been six or seven, including myself.

21          Q.     And how were their, like,  
22   roles and responsibilities broken up,  
23   those, like, five to seven people?

24          A.     Obviously the organizational

1 chart for human resources would give you  
2 those specifics, but at any given time we  
3 had substitute coordinator, who would  
4 deal with the daily operations of  
5 providing substitutes for our staff  
6 members who required them, also would  
7 help assist and support our payroll  
8 department within the district in that  
9 role. We had a coordinator of human  
10 resources, who was responsible for some  
11 of the teacher support hires throughout  
12 the district, onboarding, hosting,  
13 facilitating the interviewing that was  
14 happening across the district by the  
15 leadership team and the hiring managers.  
16 We had two human resources specialists,  
17 who had separate and, and specific roles  
18 with regard to tuition reimbursement, you  
19 know, onboarding of support staff and  
20 then another who was in -- responsible  
21 for recruitment efforts and supporting  
22 the director with regard to  
23 communications out to staff and things of  
24 that nature.

1                   And then I believe it was  
2   the latter part of 2018, beginning part  
3   of 2019, that, due to some retirements  
4   and some transitions within the  
5   department, we were able to create the  
6   role of assistant director of human  
7   resources and then shift some of the  
8   responsibilities among the leadership  
9   team at that time.

10                Q.     So from 2014 until, like,  
11   2018, the end of 2018, everything you  
12   just described, supervising all those  
13   five to seven different roles and -- that  
14   was all you at that point, because there  
15   wasn't an assistant at the time?

16                A.     That's correct. It fell to  
17   the director of human resource role.

18                Q.     Okay. I see, also, it says  
19   participates in planning of delivery of  
20   the professional development and  
21   improvement activities for all employees.  
22   Can you tell me what that means?

23                A.     Yes. So, during some of  
24   those administrative meetings, on a

1 monthly basis, in some of the planning  
2 for the administrative retreat, for  
3 cabinet level meetings, you know, the  
4 director would -- the director of human  
5 resources would be responsible to assist  
6 and support the planning, implementation  
7 any of those areas of responsibility,  
8 working, obviously, with other members of  
9 the administrative team.

10 We also, during that time,  
11 embedded a software platform that would  
12 provide professional development based on  
13 employee groups. So, specific content  
14 learning related to their positions. So  
15 there might have been, you know,  
16 custodial segments that were done for,  
17 you know, lifting appropriately and  
18 safely, cleaning protocols, there might  
19 have been school nutritional services  
20 segments on, you know, supervision,  
21 evaluation, progressive discipline, you  
22 know, any of those topics, whatever  
23 needed to be done in terms of employee  
24 groups based on their need and

1 performance as well as state and federal  
2 mandates at the time.

3 Q. Did you have any role in  
4 actually, like, developing the training  
5 or the professional development that  
6 staff was going to undergo in the  
7 district?

8 A. At times, yes. And it would  
9 be --

10 Q. What --

11 A. -- dependent upon the group  
12 of the staff. So largely, the  
13 professional staff, professional  
14 development was under the  
15 responsibilities of the director of  
16 curriculum and the directors of  
17 elementary and secondary.

18 Q. What about in terms of Title  
19 IX, did you have any role in deciding  
20 what the training was going to be, when  
21 or how or anything like that?

22 A. Again, that was coordinated  
23 with my role and some of the other point  
24 leaders for Title IX with our district



1     solicitor.

2                 Q.     When you say point leaders  
3     for Title IX --

4                 A.     Mm-hmm.

5                 Q.     -- who's that?

6                 A.     At one point we had our  
7     director of school community relations  
8     being a point person for the community  
9     and any individuals coming into the  
10    district who might have had concerns with  
11    Title IX and the way it was being  
12    administered or the way they might have  
13    experienced a concern.  And then we also  
14    had our director of special education  
15    being the point person for Title IX  
16    issues as they relate to students in the  
17    area of special education, and I believe  
18    our athletic director held a role and was  
19    point person with regard to Title IX's  
20    interpretation in athletics.

21                Q.     How is the -- for example,  
22    the director of special education being a  
23    Title IX point person for issues that  
24    arise with special needs students or

1 students in the special education realm,  
2 how was that -- is that, like, somewhere  
3 on a website, or how is that information  
4 disseminated, that they're the point  
5 person?

6 A. I believe it would have been  
7 captured in the policy and the  
8 regulations at the time.

9 Q. The district policies and  
10 regulations?

11 A. Yes.

12 Q. Do you have a specific,  
13 like, policy or regulation or, like, the  
14 title of one that you might be able to  
15 direct me to?

16 A. I believe it would have been  
17 maintained within our harassment and  
18 discrimination policy and procedures or  
19 regulations.

20 Q. Okay. And would that have  
21 had, like, who the people are that would  
22 be the, the point people or just the  
23 titles; do you know?

24 A. Obviously, in policy and

1 regulations, it's best to always include  
2 the title of the position, since the  
3 individuals can change. So it would have  
4 been by title.

5 Q. Okay.

6 A. And then the HR records  
7 would tell you the person responsible at  
8 any given period of time within that  
9 role.

10 Q. Did these point people get  
11 any, like, separate training on Title IX,  
12 that they were taking on these roles?

13 A. I can't speak to anything  
14 that they may have done individually on  
15 their own, but they would have been  
16 availed the opportunity to be present  
17 during the district level trainings  
18 through our administrative meetings and  
19 our retreats, as I indicated previously.

20 Q. Like, whatever the general  
21 meetings were, like the monthly or the  
22 summer meetings, you're talking about?

23 A. Yes.

24 Q. What about specific to Title

1 IX, though, if these people are being  
2 appointed to -- for example, the director  
3 of special education is being appointed  
4 as a point person specifically for Title  
5 IX, do you know whether they got any,  
6 like, separate training? Like, whoever  
7 that person is that is going to take on  
8 that role, did they get any specific  
9 training on Title IX before doing so?

10 A. Again, I can't say if they  
11 sought training out, but there was  
12 training provided to our administrative  
13 team in regard to Title IX and the  
14 practices, procedures within our policies  
15 and regulations through our  
16 administrative meetings and retreats, as  
17 done by our district solicitor.

18 Q. And I understand that. You  
19 know, sometimes on an annual meeting or a  
20 monthly meeting, there may have been a  
21 Title IX part of the agenda, and I know  
22 that you don't recall how often or, you  
23 know, dates or anything like that more  
24 specifically, because you told us that

1 earlier.

2 But I guess I'm asking  
3 specifically, not ones that they may have  
4 sought out on their own -- I guess, if  
5 they did, is that something that the  
6 district tracks, like that the teachers  
7 would report back and say, hi, I took  
8 this outside course on Title IX, is that  
9 something the district would be aware of?

10 A. The district would be if it  
11 was a part of their workday and would  
12 have been conference or webinar attended  
13 as well as if it would have been a  
14 reimbursement factor, which the majority  
15 of professional development opportunities  
16 within the field of education are. And  
17 so, the likelihood of that being  
18 referenced would be clear, yes.

19 Q. Would you agree with me,  
20 though, that as far as the district  
21 offering training specific in these roles  
22 as people are stepping into, you know, a  
23 Title IX point person role, the district  
24 did not offer, like, separate training

1 for these roles?

2 A. I will share with you that  
3 the administrative meeting and the  
4 retreats were the forum in which the  
5 district provided global trainings and  
6 professional development for all of its  
7 administrators present at the time.

8 Q. Okay. I understand.

9 Can you recall there ever  
10 being, like, a separate training on just  
11 Title IX for the district? I don't mean,  
12 like, at these annual things or, like,  
13 just a separate, we're going to have a  
14 meeting on Title IX, do you recall that  
15 ever happening?

16 A. I don't recall. Could there  
17 have been an entire administrative  
18 meeting, two to three-hour time block,  
19 devoted to Title IX, yes, absolutely.  
20 Were there presentations with regards to  
21 Title IX, updates to the law periodically  
22 as they occur, how to conduct an  
23 investigation from an administrator's  
24 lens, what responses should be given and

1 protocols within an investigation, yes,  
2 absolutely.

3 Q. The protocols within the  
4 investigation, is that something that  
5 would have been documented somewhere,  
6 like, what exactly the protocols are?

7 A. Yes, I believe so.

8 Q. Do you know where that would  
9 have been kept?

10 A. I believe it would be housed  
11 within the administrative retreats and/or  
12 monthly administrative meetings as well  
13 as with the district solicitor. Could  
14 have been within the director of human  
15 resource files as well.

16 Q. Okay. Who decided who was  
17 going to be, like, the point leaders in  
18 Title IX, is that something that you, as  
19 the coordinator for Title IX, set out, or  
20 was that already in place when you took  
21 on that role of -- when you were the  
22 director of human resources in 2014?

23 A. It was a collaborative  
24 decision with regard to the



1 administrative team and district  
2 solicitor on how to best meet the needs  
3 of the district and represent the  
4 populations, and the people in those  
5 roles came together, and we determined  
6 the point people as we were rewriting  
7 policy and procedure.

8 Q. And do you know, do you have  
9 an estimate of when that took place?

10 A. I believe it may have been  
11 in the 2015 calendar year. Again, it is,  
12 it is a guess, and the policies and back  
13 copies of policies would determine the  
14 accuracy of the timeline for those to  
15 have occurred.

16 Q. Was there something -- if it  
17 was around the 2015 school year, was  
18 there a reason at that time that it was  
19 implemented that Title IX would be broken  
20 down into these point people?

21 A. If memory serves me  
22 correctly, there were some things  
23 occurring within Title IX at the federal  
24 level. A resource guide was provided in

1 2015. I believe there was also, you  
2 know, a letter at that point. And so the  
3 district was taking it under advisement  
4 and reviewing its practices and further  
5 defining how to respond to the most  
6 current guidance coming out at federal  
7 level for us.

8 Q. Was it typically that the  
9 solicitor would be giving the guidance  
10 to, like, the high administration cabinet  
11 level of what the district needed to do  
12 in terms of Title IX, is that typically  
13 how it would flow down?

14 A. Yes. There would be a  
15 collaborative discussion on how to  
16 interpret any changes and implement those  
17 changes, yes.

18 Q. Okay. And was that -- this  
19 timing we're talking about, when we're  
20 deciding, you know, as a group what the  
21 district should implement and stuff, the  
22 solicitor, was that Kyle Somers, who is  
23 on this Zoom call?

24 A. Yes. I believe it was.

1 Acting from -- yes, yes, it was.

2 Q. Okay. Was there somebody  
3 else that held that role prior to him or  
4 something that you're trying to figure  
5 out a timeframe?

6 A. Well, I was just trying to  
7 align with the firm at the time, who was  
8 acting as the solicitor, which would have  
9 been Jack Dooley, from Dischell Bartle &  
10 Dooley, of which Kyle was a practicing  
11 attorney.

12 MR. SOMERS: (Nodding.)

13 BY MS. LAUGHLIN:

14 Q. Would you agree with me that  
15 on this resume that you provided, which  
16 goes from, I guess, around 19 -- the  
17 1990s to present, that there's no mention  
18 on your resume of being the coordinator,  
19 the Title IX coordinator, would you agree  
20 with that?

21 A. Yes, I would. I would also  
22 agree that there's no way to capture  
23 every responsibility within the positions  
24 on two pages that capture a person's

1 33-year history. So, this resume was  
2 created to, to provide a snapshot of my K  
3 to 12 experience for the position moving  
4 into higher ed. There are -- I have  
5 previous and past curriculum vitae, or,  
6 you know, resumes, that might have  
7 captured it, but this was the most recent  
8 one that I had that was utilized for the  
9 move into higher ed, and again, captures  
10 some of the responsibilities tailored to  
11 the position of higher ed, of which Title  
12 IX coordinator is not one.

13 Q. Would you agree with me that  
14 on this resume, Title IX isn't mentioned  
15 at all, like, even the phrase Title IX?

16 A. Yes. I did already indicate  
17 that.

18 Q. Okay. You said that you had  
19 past curriculum vitae; when was the last  
20 time that you had updated the past  
21 curriculum vitae?

22 A. I believe I indicated that  
23 this was updated in April or May, you  
24 know, of 2020.

1           Q.     And that's this one we're  
2     looking at now that's gonna be --

3           A.     It is.

4           Q.     -- Exhibit-A?

5           A.     It is, yes.

6           Q.     What about before then, can  
7     you estimate for me the last time --  
8     like, what your resume before this would  
9     have been?

10          A.     It would have taken us  
11     through the director of elementary  
12     position.

13          Q.     Do you have still have that  
14     old resume, like when you had updated it  
15     to this?

16          A.     I don't believe I do.

17          Q.     Do you know what, what  
18     happened to it?

19          A.     It was overwritten with the  
20     most recent information. There's no  
21     point in, you know, carrying that prior  
22     copy with me.

23          Q.     Do you believe that older  
24     resume would have been provided to the

1 school district, like, when you were  
2 moving into the director of human  
3 resources role?

4 A. No. It would not have been.

5 Q. Do you know anywhere else  
6 that that old resume would have -- would  
7 be available, like, if you e-mailed it to  
8 somebody applying for a job or something  
9 like that?

10 A. It would not have been  
11 because I wasn't applying for positions.  
12 As I said, I was appointed to the  
13 director of human resources position. It  
14 was an internal move administratively  
15 within the district. The only reason why  
16 a resume would have been updated in  
17 between 2010 and 2020 would have been to  
18 capture my responsibilities at the point  
19 of which I moved into higher ed. There  
20 was no point to, you know, update it. I  
21 wasn't looking for any positions. I was  
22 quite happy within the district.

23 Q. Okay. Other than your work  
24 as director of human resources and also

1 this role of Title IX coordinator that  
2 you had three point persons under you  
3 that were more managing, like, more  
4 day-to-day Title IX stuff it sounds like,  
5 did you have any other roles or  
6 responsibilities during the 2014 to 2020  
7 timeframe?

8 A. I was also an adjunct  
9 profession at Del Val University on  
10 behalf of the school district for a North  
11 Penn cohort of teachers seeking their  
12 administrative certifications. That  
13 happened mostly, I believe, in 2019 and  
14 on. That was not a paid position through  
15 North Penn, however.

16 Q. Okay. But you're saying  
17 that role didn't start until 2019?

18 A. Correct. It was to meet the  
19 needs of a cohort of staff members within  
20 the North Penn community. It wouldn't  
21 have -- again, would not have fallen  
22 under purview of the school district. It  
23 was just supporting an initiative and an  
24 alliance with Del Val that the district



1 had become a part of.

2 Q. I understand.

3 Any other roles that you  
4 held from 2014 to 2020 that we haven't  
5 already talked about?

6 A. No. I don't believe so.

7 Q. Okay. It says that under  
8 your director of human resources, all the  
9 bullet points, that you also prepare and  
10 manage the department budget for the  
11 school district?

12 A. No, for the department.

13 Q. Okay. What -- oh, okay --  
14 the department budget, the Department of  
15 Human Resources?

16 A. The Department of Human  
17 Resources, yes.

18 Q. So is that, like, employee's  
19 salaries and bonuses and things like  
20 that?

21 A. Employee salaries would have  
22 been maintained in a separate category  
23 through our business office and payroll.  
24 The salary component that was

1 accomplished within the human resources  
2 budget were merely placeholders for the  
3 substitutes that were within the  
4 district, which then got parceled out to  
5 the appropriate buildings in which they  
6 served afterwards. This was the  
7 district -- this was the human resources'  
8 budget, of which there were many fields  
9 comprised.

10 Q. When you say "many fields  
11 comprised", can you just give me, like,  
12 an over -- just to understand what it  
13 means, that you're preparing and managing  
14 the department budget.

15 A. Okay.

16 Q. As a lawyer, I don't know  
17 what that means exactly.

18 A. Yeah. It means projecting  
19 out what the financial responsibilities  
20 and needs are of the department with  
21 regard to the areas that we supervise and  
22 oversee. So, previously, I mentioned  
23 that we, in the department, were  
24 responsible for facilitating tuition

1 reimbursement. That comes as a line item  
2 of hundreds of thousands of dollars, to  
3 reimburse staff members as they take  
4 coursework and credits and conference  
5 attendance and webinars to become  
6 professionally developed. So, that's one  
7 aspect. The, the increase in salaries as  
8 a result of moving to the next level from  
9 the coursework and from the professional  
10 development was also captured in our  
11 budget to the tune of hundreds of  
12 thousands of dollars as well. You know,  
13 those areas were all encompassing. Those  
14 are two examples of what might have been  
15 found in the budget.

16 Q. So it's a lot of stuff,  
17 conferences.

18 The budget, then, is that --  
19 without going into all the different  
20 categories and all the things that  
21 day-to-day go into those things --

22 A. Yes. You can imagine, the  
23 size of North Penn, would have associated  
24 many line items and significant dollars.

1           Q.     Okay.  There's also a  
2     mention of, participates in negotiations,  
3     interprets and administer the language of  
4     the collective bargaining agreement.

5                     What does that mean?

6           A.     It means that the district  
7     had, at the time, two specific  
8     associations, one for the professional  
9     staff and one for the support staff as  
10    well as our Act 93 agreement with the  
11    leadership, and the position of director  
12    of human resources was responsible -- was  
13    a responsible party to those  
14    negotiations, with the district  
15    administrator, the school board and the  
16    superintendent.  So it what the role of  
17    the director of human resources to  
18    participate in the negotiations, to help  
19    the forward movement of the negotiations,  
20    and then once agreed upon and ratified,  
21    would be the responsibility to carry out  
22    and enforce the components of the  
23    collective bargaining agreement.

24          Q.     How often would that, like,

1 review process be happening?

2 A. Depended on the length and  
3 duration of the actual agreement itself,  
4 and they varied. I believe, during my  
5 tenure, the least amount of time that an  
6 agreement was in place was two years, and  
7 it could have gone up as far as four or  
8 five years, depending upon what was  
9 agreed upon at the table. I believe  
10 there was one year in which there was a  
11 continuation of the agreement. So that  
12 would have been extending it by a year.

13 Q. Okay. You said Act 93; what  
14 is that?

15 A. That is the agreement under  
16 which benefits and parameters for work  
17 are stipulated for the administrative  
18 team. Various members of the  
19 administrative team, excluding the  
20 appointed positions of superintendant,  
21 assistant superintendant, and the  
22 director of human resources, assistant  
23 director of human resources, who were  
24 under separate contract.

1           Q.     It also says that, as a  
2 director of HR, you conduct investigatory  
3 and disciplinary meetings and facilitates  
4 employee improvement plans.

5                     Are you the point person for  
6 all of the -- I think you said 2,400  
7 employees in the district, are you the  
8 point person for that?

9           A.     Oversee the processes for  
10 that, yes. Was also shared  
11 responsibility with the assistant  
12 director of human resources, once that  
13 position was aligned. There was a  
14 separation of staffing and departments.  
15 That position largely supported the  
16 support personnel and staff, where the  
17 director typically would oversee the  
18 administrative team and the professional  
19 staff within the district.

20           Q.     Okay. So before that -- and  
21 assistant human resources role didn't  
22 come on until 2019. So before that, that  
23 was you, then?

24           A.     It was.

1 Q. Okay.

2 A. Again, with support from the  
3 immediate area level supervisors.

4 Q. And what is -- the immediate  
5 level area supervisors, meaning, like,  
6 the director of elementary education,  
7 secondary education --

8 A. Director of elementary,  
9 director of secondary, the building level  
10 principals, the school nutrition serves  
11 as supervisors and coordinators. So,  
12 obviously within the district, there's an  
13 organizational structure that has leaders  
14 and supervisors at varying levels in  
15 order to, you know, stratify the  
16 responsibilities. But again, if there  
17 was a staff member where an investigation  
18 was needed or a staff member who was not  
19 performing to satisfactory levels or  
20 falling short of expectations that  
21 required a formal improvement plan or  
22 supports for professional development,  
23 absolutely, the director of human  
24 resources would be made aware of that and



1 sometimes asked to counsel and support  
2 the process.

3 Q. Okay. It says facilitate --  
4 teacher and emergency certification  
5 program. What does that mean?

6 A. That was an initiative that  
7 was created within the district. Again,  
8 North Penn is a district that subscribes  
9 to hiring and supporting all of its own  
10 employees, which means there is not a  
11 department or employee, or wasn't at the  
12 time -- again, I can't speak to the  
13 current state -- where things, things  
14 were being -- where services were being  
15 outsourced. So the guest teacher program  
16 was one in which we created the  
17 opportunity for people with a bachelor's  
18 degree, perhaps in another area, a  
19 scientist, a chemist, an attorney, who  
20 could come in and seek emergency  
21 certification as an educator under the  
22 laws of the Commonwealth, and we would  
23 train them, provide onboarding, and they  
24 would become substitute teachers for us

1 within the district at a daily rate. It  
2 was an initiative that was done when, you  
3 know, obviously the, the supply of  
4 teachers being graduated from education  
5 institutions was, was low.

6 Q. Do you have an estimate of  
7 the time period of when that initiative  
8 took place?

9 A. I do not.

10 Q. Was it, was it only for,  
11 like, a period of time and then the  
12 district decided not to do that anymore?

13 A. I can't speak to now, but  
14 through my tenure, it was up and running  
15 and happened on a yearly basis. It was  
16 typically done in the fall of every year  
17 because we can capitalize on teachers  
18 who, teachers who perhaps didn't have a  
19 classroom of their own or, as I said,  
20 other individuals who were bachelor  
21 degreed and looking for a change of  
22 career or were not happy within their  
23 career, and August/September timeframe,  
24 October, was the time in the beginning of

1 the school year that typically worked for  
2 us to be able to capitalize on those  
3 individuals. I believe it was a program  
4 that was up and running prior to my  
5 leaving the district for three to four  
6 years, if that's helpful.

7 Q. Okay. It also says here in  
8 the list of your responsibilities,  
9 collaborating with college university  
10 partners for replacement of student  
11 teachers and dual enrollment program.

12 So are these, like, college  
13 students that are in education that need  
14 their credits to have student teaching,  
15 you're coordinating that, getting those  
16 teachers and what they needed to do and  
17 where they go and stuff like that?

18 A. Yes, that's correct.

19 Q. And then, dual enrollment  
20 programming, what is, what is that?

21 A. Dual enrollment was  
22 typically when -- we had created a  
23 program within the district whereby some  
24 of our students, our seniors, who were

1 thinking about an education degree, if  
2 they were affiliated, also, they could be  
3 taking their courses at the high school  
4 while also attending college; so dual  
5 enrollment.

6 Q. Mm-hmm.

7 A. And we would support them  
8 through observation time, in classroom  
9 visiting with teachers, so they could get  
10 their observation hours that were a  
11 requirement of the college and university  
12 that they were attending as well.

13 Q. Okay.

14 A. Dual enrollment meant that  
15 they were attending North Penn High  
16 School but also perhaps one of the  
17 ancillary colleges or universities in the  
18 area receiving dual credit and being  
19 enrolled in both places.

20 Q. When you took on this role  
21 as director of human resources, did you  
22 know at the time that part of your  
23 responsibilities would also be the Title  
24 IX coordinator for the district?

1           A.       Yes. As I believe I  
2 indicated, I believe it was in the job  
3 description at the time. An  
4 investigating, harassment and  
5 discriminatory practices is a component  
6 of human resources.

7           Q.       Well, a part of human  
8 resource would be investigating.

9                   Is that -- I thought you  
10 were saying it's really on the employee  
11 level that -- for human resources  
12 investigating harassment and things like  
13 that?

14          A.       It is, but it also can be as  
15 it relates to -- you know, harassment can  
16 happen at all levels. So, if it involved  
17 employees, yes, absolutely, I was  
18 involved.

19          Q.       What about in terms of  
20 student-on-student harassment, is that  
21 something you were also involved in?

22          A.       Again, not in -- not  
23 typically in the role of human resources,  
24 unless it had some level of connection to

1 a staff member or personnel issue.

2 Q. What about, though, because  
3 you're kind of wearing, like, a couple  
4 different hats, it seems like, during  
5 2014 to 2020, or maybe many hats, based  
6 on all the things we just went over.

7 Were you also responsible  
8 for investing student-on-student sexual  
9 harassment during this period of time,  
10 2014 to 2020?

11 A. I would typically not be  
12 involved in direct interactions with  
13 students in an investigation. That would  
14 happen through the building  
15 administrators and at times the police,  
16 if it was appropriate and warranted.

17 Q. Okay. How would it be --  
18 what was the process for you -- you said  
19 typically you would not be involved, and  
20 it would really be handled by the  
21 building administrators?

22 A. Right. There were, there  
23 were very few cases where I would go into  
24 a building and interview a student.

1           Q.     Were there times -- or, was  
2     there, like, a process in place where you  
3     would get involved in -- when it involved  
4     student-on-student sexual harassment?

5           A.     Not that I can recall.  
6     We're talking of -- years ago. So I  
7     don't recall, unfortunately.

8           Q.     You're saying -- sorry, go  
9     ahead.

10          A.     No. I was just saying,  
11     unfortunately, I don't recall instances  
12     of talking to a student with regard to  
13     sexual harassment --

14          Q.     Do --

15          A.     -- in my role as director of  
16     human resources.

17          Q.     Okay. Well what about as  
18     your role for Title IX coordinator,  
19     because that was part of your -- that was  
20     one of your roles as director of human  
21     resources, right?

22          A.     Yes.

23          Q.     Were you ever -- go ahead,  
24     I'm sorry.



1           A.     I don't recall. I don't  
2 recall.

3           Q.     You don't recall ever being  
4 part of a investigation with  
5 student-on-student sexual harassment?

6           A.     I don't recall speaking to  
7 the students with regard to sexual  
8 harassment. Was I involved in that, in  
9 that kind of situation from the lens of  
10 Title IX coordinator and director of HR,  
11 yes.

12          Q.     And, I guess, tell me your  
13 role -- if you're not -- you said,  
14 interviewing students, is the example you  
15 had given. What, what is your role or  
16 how have you -- how -- what is your role  
17 in terms of the investigation, then, for  
18 a student-on-student harassment  
19 situation?

20          A.     Most, most typically, it  
21 would have been to understand if there  
22 was any concerns with regard to  
23 supervision of those students during the  
24 time that -- of the alleged harassment

1 or -- took place, if there was any  
2 involvement from a staff member and if  
3 the protocols that were set in place had  
4 been followed by the administrators at  
5 the building level.

6 Q. What protocols are you  
7 referring to, like in terms of properly  
8 supervising students?

9 A. Yes. And if the  
10 investigation under Title IX had  
11 occurred, if a formal complaint was  
12 lodged and raised, how they investigated  
13 it, you know, was it resolved  
14 appropriately, were authorities  
15 contacted, if appropriate and necessary.  
16 So adherence to, you know, our policies  
17 as they relate to Title IX.

18 Q. Meaning, like, the  
19 district's policies?

20 A. Yes. Where, where Title IX  
21 would have been embedded.

22 Q. When you say "Title IX would  
23 have been embedded", what policies are  
24 you talking about?

1           A.     Our harassment policy, our  
2 harassment policy and the discrimination  
3 policy and regulations that clearly speak  
4 to Title IX.

5           Q.     Okay. So I just want to  
6 clarify that there's no, like, separate  
7 Title IX, like, specific policy, you're  
8 saying Title IX policies in the district  
9 are embedded in those two policies you  
10 just mentioned?

11          A.     Yes, that's correct.

12          Q.     Okay.

13          A.     I believe.

14          Q.     And you were talking about  
15 the protocol -- making sure that the  
16 protocols are followed. The first thing  
17 you said was that if there was a formal  
18 complaint made; is that right?

19          A.     Yes.

20          Q.     What do you, what do you  
21 mean by that?

22          A.     Well, within our policies  
23 and regulations, with regard to  
24 harassment and discrimination, there are

1   also forms and complaints that can be  
2   filed within the district to make us  
3   aware of concerns, and they're most often  
4   filed with the most immediate supervisor  
5   or, in cases of Title IX, to go to one of  
6   the point people or myself when those  
7   occur or happen.

8           Q.     Those three point people you  
9   mentioned earlier?

10          A.     Yes.

11          Q.     And the, the, the form  
12   you're talking about, is that, like, the  
13   sexual harassment form that's, like, a  
14   two-page form with, like, questions,  
15   people fill in the blanks, is that what  
16   you're talking about?

17          A.     Yes.

18          Q.     Is that form something that  
19   parents are expected to fill out if  
20   they -- if there's a Title IX issue or,  
21   like, a sexual harassment issue at the  
22   school?

23          A.     I think it can be filled out  
24   by whoever is feeling as though they've

1    been violated.  It wouldn't necessarily  
2    need to be parents, depending on the  
3    level of student.  If it's  
4    student-to-student, again, my, my  
5    understanding is, most often, those would  
6    occur and be reported to the principal or  
7    the guidance counselor.  Early ages,  
8    students feel more comfortable speaking  
9    to those individuals, because they're  
10   most known to them, and they -- the  
11   principals then would interact and take  
12   over, respond appropriately and  
13   accordingly to the concerns.

14           Q.     Okay.

15           A.     With the investigation.

16           Q.     And that area you just  
17   described wasn't necessarily in a younger  
18   child, like an elementary school-aged  
19   child.  You're saying they would just  
20   maybe go to a guidance counselor or  
21   principal and just tell them verbally?

22           A.     Yes.  Sometimes as a  
23   teacher.

24           Q.     Is there a difference in the

1 process versus when somebody, like,  
2 verbally reports, like, that, like, the  
3 scenarios we were just talking about  
4 versus if somebody completes that form,  
5 makes a formal complaint?

6 A. I don't believe so. I  
7 believe that our administrators have  
8 been, you know, taught to respond to  
9 concerns as they're raised as immediately  
10 as possible and as thoroughly as  
11 possible, following the regulations.

12 Q. Like, following those two  
13 policies we just talked about?

14 A. Yes. And the regulations  
15 that accompany them. The policies set  
16 forth what the district expects and will  
17 accept. The regulations stipulate the  
18 process in addressing the concerns. You  
19 know, so the regulations put the  
20 protocols, the step-by-step actions in  
21 place for how to respond or potential  
22 responses to situations.

23 Q. Okay. I guess I'm just --  
24 I'm trying to make sure I understand,

1    like, what you're referring to.  I  
2    understand the two different policies,  
3    the harassment policy and the other  
4    policy you talked about, but those  
5    regulations you're referring to, where  
6    are those kept?  What are you -- like, is  
7    there somewhere I can find those, or what  
8    are you referring to?

9           A.     There are regulations that  
10    accompany some of the school board  
11    policies.  The regulations serve as a  
12    guide to administrators in interpreting  
13    policy and determining the steps that  
14    need to be taken in response.  Those, at  
15    one point, had been published on the  
16    website.  I cannot speak to where, where  
17    one might find them now, following a  
18    comprehensive policy review.  Regulations  
19    don't necessarily need to be posted on --  
20    and open to the public but sometimes they  
21    are.  I don't know where they would be  
22    housed right now, because I've not been  
23    in the district, but at the time they  
24    were also housed on the district's



1 website.

2 Q. Okay. Are there -- you said  
3 sometimes the regulations are attached to  
4 the policies themselves -- sorry, go  
5 ahead. Is that not what you said?

6 A. They're not attached, but  
7 they correspond to. So, for example,  
8 there would -- you know, whatever the  
9 policy number is or title for the policy,  
10 so it could be the policy for harassment,  
11 and then the administrative regulation in  
12 regard or response to policy for  
13 harassment would be there. So, it might  
14 be -- it would be listed as a similar  
15 reference.

16 Q. Like, would it be the  
17 same -- like, for instance, harassment  
18 policy is, I think, 5150. Do you know if  
19 it would be, like, the same number? How  
20 do you know that they correspond?

21 A. Yes, it would. It would be  
22 the same number and it would also have a  
23 reference to. So on the board policy, at  
24 the time, it would have been referenced

1 regulation No. 5150, you know, or in  
2 terms of personnel, a different number.

3 Q. Okay. I understand what  
4 you're saying.

5 And you said that the  
6 policies, you know, from your  
7 understanding back then, were on the  
8 website, but the regulations may not have  
9 been because you're not required to post  
10 them on the, the public website?

11 A. Correct. I don't believe we  
12 were. But again, at the time I was in  
13 the district, they were, they had been.  
14 Both were published and accessible.

15 Q. On the website?

16 A. Mm-hmm. Yes.

17 Q. Were there -- other than the  
18 website, do you know whether that  
19 information, like, the regulations and  
20 the policies dealing with harassment and  
21 Title IX issues, whether that was, like,  
22 sent home to parents in any way?

23 A. They -- references to our  
24 policies and regulations would be found

1 in the handbooks at each level, which  
2 were absolutely shared with students and  
3 parents. And in case of the elementary,  
4 I can speak to, signoff required to  
5 parents to indicate that they had been  
6 provided with the information contained  
7 within the handbook. So, disciplinary  
8 practices were contained in the handbook  
9 and major policies but then, also, a  
10 reference to the district's website,  
11 where all policies and regulations could  
12 be found.

13 Q. Okay.

14 A. So yes, students and parents  
15 would have been provided that information  
16 via the student rights and  
17 responsibilities, or as we know it, the  
18 student handbooks associated at each  
19 level in the district.

20 Q. Do you know whether parents  
21 received any kind of, like, training or,  
22 like, education on Title IX and, and  
23 sexual harassment?

24 A. I do not.

1           Q.     Do you know whose, do you  
2 know whose, like, responsibility that  
3 would fall under in the district?

4           A.     I do not. I don't recall.

5           Q.     Okay. What about in terms  
6 of student education on Title IX and  
7 sexual harassment, do you know whether  
8 students were provided any kind of, like,  
9 training or instruction on those topics?

10          A.     I do not.

11          Q.     You don't know?

12          A.     I don't know. That would  
13 have been dealt with through, perhaps the  
14 academic side, through, again,  
15 principals, guidance counselors, as part  
16 of a guidance curriculum. I do know that  
17 that's captured, you know, unwanted  
18 touching, things of that nature, you  
19 know, are hit upon within our guidance  
20 curriculum. But anything more formally,  
21 I can't respond; I don't know.

22          Q.     Okay. You as the Title IX  
23 coordinator, safe to say, like, you  
24 didn't provide any training to the

1 students or parents on Title IX issues;  
2 is that right?

3 A. I don't believe so, no.

4 Q. Okay. What about any of  
5 your, like, point people that you're kind  
6 of overseeing, do you know whether they  
7 provided any training to students or  
8 parents on Title IX?

9 A. Again, there's a  
10 possibility, because of the focus in the  
11 district, that through special education  
12 and that director of special education,  
13 that some of those trainings might have  
14 been provided to parent groups that are  
15 affiliated with special education. But  
16 again, I, I, I don't know. I do know  
17 that there were trainings internally with  
18 staff and administrative team with regard  
19 to special education and harassment and  
20 discrimination, as I indicated earlier.  
21 I don't recall specifically, but I do  
22 know that we had active parent  
23 organizations, and our director of  
24 special education and our assistant

1 director were very involved with parents  
2 and may have very well done a -- training  
3 with them.

4 Q. You just -- you don't know,  
5 though, like, whether that --

6 A. I, I don't know for sure.

7 Q. Okay. As the director of  
8 HR, would you, I mean, typically be  
9 consulted on something like that, if  
10 education is going to be provided, you  
11 know, specific to Title IX within the  
12 district to -- you know, whether it's  
13 parents or students, is that something  
14 that you would be involved in, like, in  
15 communications, or?

16 A. I don't recall if I was.

17 Q. You don't know whether that  
18 was part of your responsibilities to do  
19 so, then, right?

20 A. No, that's correct.

21 MS. LAUGHLIN: Off the  
22 record for a second.

23 - - -

24 (A recess occurred from

1 11:40 a.m. to 11:54 p.m.)

2 - - -

3 BY MS. LAUGHLIN:

4 Q. I guess a quick question or  
5 clarification.

6 Were you the only Title IX  
7 coordinator for the district between 2014  
8 and when you left in 2020?

9 A. No.

10 Q. Okay. Who else or -- who  
11 else, I guess, was in that, that role?  
12 This is kind of the first time we've been  
13 talking about your responsibilities and  
14 stuff. Who else was in that role?

15 A. Yeah. As I indicated, the  
16 end of 2018, early part of 2019, when the  
17 assistant director of human resources was  
18 fully integrated into the position, the  
19 board had requested that we shift some  
20 responsibilities to allow more growth and  
21 more oversight of different district  
22 initiatives at the time by the director  
23 of human resources. So the role shifted  
24 to the director of human resources on or



1 about that time.

2 Q. Right. I do recall you  
3 saying that to me.

4 But I guess to clarify, do  
5 you know who Kathleen Cardamone is?

6 A. Yes. She was the previous  
7 director of human resources, who retired  
8 in June of 2014.

9 Q. Okay. So in -- I know that  
10 you weren't a part of the district  
11 answering, like, interrogatory questions  
12 or requests for production of documents  
13 or anything, were you involved in any of  
14 that?

15 A. With regard to --

16 Q. This case.

17 A. -- a particular issue or  
18 this case?

19 Q. Mm-hmm.

20 A. No. I don't believe so.

21 Q. So in -- it's my  
22 understanding Todd Bauer, the assistant  
23 superintendant had assisted with that.  
24 But in a question asking about who was

1 the Title IX coordinator from January  
2 1st, 2014 to the present, the answer says  
3 that Kathleen Cardamone, who, my  
4 understanding now, is deceased, was the  
5 Title IX coordinator on January 1st, 2014  
6 through June 30th, 2021. Do you know  
7 whether -- is that not accurate?

8 A. No. That would not be  
9 accurate. She would have been from June  
10 1st, 2014 through June -- I'm sorry --  
11 January 1st, 2014 through June 30, 2014.  
12 And then, July 1st, I assumed the  
13 responsibilities of director of HR at  
14 that time, thereby also assuming the  
15 Title IX coordinator role.

16 Q. Okay. Was Ms. Cardamone,  
17 was she the prior HR -- director of HR as  
18 well?

19 A. Yes. Dr. Cardamone was the  
20 prior director, mm-hmm.

21 Q. Okay. And then when her  
22 role opened up, that's when you stepped  
23 into that role and took over all the  
24 responsibilities we already went over,

1 correct?

2 A. Yes, correct.

3 Q. Okay. Thank you for  
4 clarifying that.

5 When, when was it that the  
6 three people that you mentioned that were  
7 appointed as point people for Title IX in  
8 the three different areas that you  
9 mentioned, when was that established?

10 A. Again, I believe it was in  
11 and around 2015. Within that academic  
12 year, there were some revisions made, as  
13 highlighted by changes at the federal  
14 level with regard to the guidelines. And  
15 so the district coordinated and worked  
16 with the district solicitor to apply  
17 those changes and guidance provided and  
18 created the three-prong reporting  
19 structure, or responsibility structure, I  
20 should say.

21 Q. Okay. Do you know whether  
22 the, the three-prong responsibility  
23 structure, whether that's in writing  
24 somewhere as to, like, who's -- you know,

1 whether it's, like, the one person, the  
2 middle person, the other person, like,  
3 who's responsible for what in comparison  
4 to what you're responsible for?

5 A. Yes. I believe that there  
6 would have been a dated rendering of the  
7 policies that would indicate specific  
8 areas, again, not by name but by title,  
9 the director of school and community and  
10 then the director of special education  
11 and the director of human resources,  
12 again, analogues to those populations.  
13 If there were community concerns, they  
14 would be referenced to the director of  
15 school community, special education and  
16 student concerns to the director of  
17 special ed and then, most often, staffing  
18 concerns to myself.

19 Q. Okay. Do you know whether  
20 the director of special ed, was that  
21 Betty Santoro during that time, like,  
22 2015 through 2018?

23 A. It may have been. Again,  
24 there were two people in the role --

1 Q. Okay.

2 A. -- that I can recall.

3 During that time, I think most  
4 immediately, Dr. Santoro would have  
5 followed-up in 2014 and '15, and then Dr.  
6 Ruffo would have stepped in, you know,  
7 following that, along those lines, I  
8 believe.

9 Q. Okay. And Dr. Ruffo, what  
10 is Dr. Ruffo's first name?

11 A. Jenna.

12 Q. Okay. Did you ever have any  
13 conversations with Jenna Ruffo, or Dr.  
14 Ruffo, or Dr. Santoro about their  
15 responsibilities as point people under  
16 this new, like, three-prong approach?

17 A. Yes. I believe they would  
18 have been involved in the meetings with  
19 the attorney, with the district  
20 solicitor, at the time, when we developed  
21 the three-prong approach.

22 Q. Other than that initial  
23 meeting where this was going to be, like,  
24 the new process the district was going to

1 be following, did you have any other  
2 follow-up meetings with those two  
3 individuals in terms of, like, what their  
4 expectations were or the process they  
5 should be going through or to oversee  
6 them in some way?

7 A. No, I did not. We  
8 coordinate through joint responsibility  
9 for carrying out the policies and  
10 procedures that we're all made aware of  
11 at the time within the district. When  
12 issues arose and questions we had, again,  
13 we were collaborating on those issues  
14 alongside our district solicitor, who was  
15 provided by counsel, within our  
16 responses.

17 Q. Do you recall having  
18 meetings with, like, those individuals  
19 or, like, the other point people with the  
20 district solicitor other than the initial  
21 meeting that was creating these roles?

22 A. I think there were several  
23 meetings that took place that created the  
24 roles and discussed the responses and

1 discussed the parameters and procedures  
2 in how we would parcel things out. So  
3 there were several meetings surrounding  
4 that.

5 Q. After the creation in 2015,  
6 however many meetings it took to, like,  
7 create those roles and -- do you recall  
8 any meetings, like, later on, from 2015  
9 to 2018, where you are meeting with these  
10 point people about the expectations of  
11 what they had to do or things like that  
12 in terms of Title IX?

13 A. Proactively and individually  
14 with them, I cannot recall. But again, I  
15 will defer back to the idea that as an  
16 administrative team, review of policies,  
17 procedures, changes in them, all happened  
18 in the context of our administrative  
19 meetings. So all were present at the  
20 time in discussing that. Most often,  
21 that was provided to us by, you know, our  
22 district solicitor and legal counsel.

23 Q. Do you recall any of those  
24 point people from this time, from 2015



1 through, you know 2018, any of them  
2 coming to you with, like, concerns or  
3 questions about situations involving  
4 Title IX or their role or anything like  
5 that?

6 A. I'm sure that we  
7 collaborated on situations because that's  
8 the nature of our team, we would have  
9 done that. So if they had questions,  
10 they would have come to me, our assistant  
11 superintendants, we would have called our  
12 district solicitor and dealt with that  
13 appropriately. That's just the manner  
14 that we did business.

15 Q. So the hierarchy was they  
16 would come to you, and then you would  
17 contact an assistant superintendant, who  
18 would then get the solicitor involved to  
19 have a meeting or discussion?

20 A. That's one way. Sometimes  
21 the assistant superintendant who oversaw  
22 the secondary programming might hear  
23 first and then come talk with me, and we  
24 would call the district solicitor. So,

1 you know, the main point always was to  
2 get to central office, to, you know,  
3 assistant superintendant, to myself, some  
4 member of our team. And again, we  
5 coordinate our efforts and we collaborate  
6 very closely on all issues. And so,  
7 sometimes I was the first to know, other  
8 times it might have been referenced to me  
9 by the assistant superintendant, or the  
10 superintendant could have been out in the  
11 building when something was occurring,  
12 and he had firsthand knowledge, and he  
13 would come back and talk about the issue,  
14 and we would take it from there.

15 Q. Do you recall specifically  
16 there ever being, like, issues brought up  
17 in terms of Title IX from that timeframe,  
18 2015 through 2018?

19 A. Very few. Very few.

20 Q. What, what do you recall --  
21 like, for instance, was any of these  
22 incidents involving [REDACTED]  
23 do you recall those ever being part of  
24 discussions with the Title IX team or

1 anything like that?

2 A. Yes. With the  
3 administrators who were responsible for  
4 the area in which [REDACTED] was at the time,  
5 I believe the elementary program.

6 Q. Are those the meetings that,  
7 you know, you've reviewed the notes for  
8 and things like that, is that what you're  
9 referring to?

10 A. Yes.

11 Q. Okay. What about, like,  
12 other than -- because we're going to go  
13 over the notes a little bit later  
14 today -- other than, like, those notes  
15 and those meetings, are there other  
16 meetings -- what I mean by that is with  
17 the view of the Title IX point people or  
18 the special education Title IX point  
19 person specific to, like, Title IX, like,  
20 how to do the investigation or issues  
21 that have come up with [REDACTED]

22 [REDACTED]

23 A. Specific to [REDACTED]

24 [REDACTED]

1 Q. We'll start there, yes.

2 A. Nothing outside the notes  
3 that I believe have been provided.

4 Q. What about in terms of  
5 [REDACTED] [REDACTED] He wasn't a special  
6 education student, so I guess more -- not  
7 just the special education point people,  
8 but generally, Title IX, do you recall  
9 there ever been any discussions with you  
10 as the director of -- or, sorry -- the  
11 coordinator of Title IX and the Title IX  
12 point persons?

13 A. As it relates to that case,  
14 again, the notes that you have would be  
15 what was discussed.

16 Q. Okay. So that was in  
17 elementary school --

18 A. Yes.

19 Q. -- at Gwynedd Square, right?

20 A. Correct.

21 Q. But did you have any  
22 separate meetings with, like, the Title  
23 IX point people and yourself,  
24 administration outside of those meetings

1 with the handwritten notes?

2 A. Specific to that case?

3 Q. To anything involving [REDACTED]  
4 [REDACTED] and Title IX issues.

5 A. No. Everything that is  
6 captured is captured in either  
7 handwritten notes or the formalized  
8 letters resulting from the meetings.

9 Q. The formalized letters,  
10 meaning from the teacher, Holly Andrew?

11 A. Yes.

12 Q. What about in terms of other  
13 issues, do you recall having meetings  
14 with the Title IX point people from 2015  
15 to 2018 with other Title IX issues with  
16 student conduct?

17 A. I would imagine they  
18 occurred, but I would need -- you know,  
19 obviously, when we're talking six, seven  
20 years ago, you know, jogging my memory  
21 with a student name or a situation, I  
22 probably could have better recollection.  
23 But again, there were very few cases of  
24 specific Title IX issues that had come

1 into the district or had been referenced  
2 within the district, so.

3 Q. Okay. If there was a name  
4 that I could -- you know, I don't know of  
5 any. So that's why I'm asking to see if  
6 you recall of any.

7 A. Did we deal with issues of  
8 harassment and discrimination, yes. We  
9 dealt with them according to policy and  
10 procedure, and we took the appropriate  
11 steps that we needed to.

12 Q. Can you recall, other than  
13 the [REDACTED] [REDACTED] and [REDACTED] [REDACTED]  
14 incidents and the other incidents that  
15 [REDACTED] [REDACTED] was involved in, do you  
16 recall other situations where you were  
17 involved or came to your attention that  
18 there were Title IX harassment issues  
19 between students?

20 A. I do not recall at this  
21 point.

22 Q. Okay. Because you were just  
23 saying, like, that it's come up, it's  
24 been very few times and that you followed

1 all the procedures and, and policies and  
2 things like that, and I'm just trying to  
3 find out when those other times were that  
4 you're referring to or if there's  
5 anything you can remember, or is there  
6 just -- you're saying, generally, we  
7 would have followed procedures, I can't  
8 remember any times other than this case  
9 that we dealt with that?

10 A. Yeah. I'm speaking in  
11 generality, knowing the caliber of our  
12 team and the expectations of our team and  
13 the high performing levels that we  
14 assumed our responsibilities with, that  
15 we would have followed all of the  
16 protocols and involved our district  
17 solicitor and counsel surrounding those  
18 decisions that were made. You know,  
19 during the time period, I probably can  
20 better recollect situations with staff  
21 members and students more so than I can  
22 student to student.

23 Q. Okay.

24 A. So, that's the best I can do



1 for you right now.

2 Q. That's okay. And I  
3 appreciate that, you offering that.

4 The teachers to student,  
5 what are you referring to? Was there  
6 issues in the district during your tenure  
7 of teachers being inappropriate with  
8 students?

9 A. There were cases, yes.

10 Q. Can you, can you tell me  
11 about them or what you remember about  
12 them.

13 A. You know, I don't know how  
14 they are pertinent, and with all do  
15 respect, my role is one of  
16 confidentiality. And so to be sharing  
17 specifics and information about other  
18 students and staff that are not germane  
19 to, to what I believe have been your  
20 questions surrounding [REDACTED] [REDACTED]  
21 I'd be reluctant to, to share forward,  
22 unless I have authority based on the  
23 district solicitor and, and our counsel.

24 Q. And I appreciate you, you

1 know, raising that. If your concern is,  
2 like, the confidentiality of student,  
3 like, victims in these situations, then  
4 if it helps to leave out the student  
5 names, we can -- I'm okay with doing  
6 that. But I don't think that there's  
7 anything -- even though this case is  
8 about Jane Doe versus the district, it's  
9 not so limited in, you know, I'm only  
10 allowed to ask questions about that, and  
11 I think, generally -- if you left out the  
12 student names, would that help to  
13 alleviate your concern about  
14 confidentiality?

15 A. Well I think --

16 MS. JORDAN: Cheryl, I  
17 believe that she's correct. She's  
18 entitled to inquire, but you don't  
19 have to give any, any names. Don't  
20 use any names at all.

21 THE WITNESS: I wouldn't. I  
22 wouldn't. But again, you know, again,  
23 without having specific notes to  
24 reference in my files, it's really

1       challenging to be able to go down a  
2       line of sharing with you specific  
3       situations or instances, because the  
4       last thing I want to do is  
5       misrepresent anything.

6                   But I -- in responding to  
7       your question, there were probably two  
8       or three to a handful of situations by  
9       which staff members and students  
10      interacted in a way that caused me to  
11      investigate.

12   BY MS. LAUGHLIN:

13               Q.     Okay.

14               A.     During my tenure.

15               Q.     Okay. And in your tenure,  
16      is that from 2014 to 2020?

17               A.     Yes. Aside from the ones  
18      that went to the assistant director of  
19      human resources from that 2018 and '19  
20      mark on.

21               Q.     Because at that point, did  
22      the director of human -- or, assistant  
23      director of human resources take on that  
24      responsibility as well?

1           A.     Yes, as was apparent in her  
2     job description.

3           Q.     Okay. You said it was two  
4     to three or a handful between, we'll just  
5     say 2014 to 2018, is that correct, then?

6           A.     I believe so, yes. I mean,  
7     if you're causing me to think about  
8     specific situations, there's limitations  
9     to my memory, obviously, when we're going  
10    back this far. So, on a scale of the  
11    size of the district, I know that we had  
12    relatively few complaints and concerns  
13    that would fall under these parameters  
14    and that I was involved with.

15          Q.     I understand.

16                 And so I'm just asking --  
17    you know, the questions that I'm asking  
18    you, and this goes for the whole  
19    deposition is, if there's details you  
20    don't remember, you don't remember them.

21          A.     Right.

22          Q.     I don't have documents to be  
23    able to show you. It's not a memory test  
24    of --

1           A.     Yeah.

2           Q.     You know, I'm not trying to  
3     trick you in any way.

4           A.     No, I understand. I'm just  
5     trying to be as thorough as I can with  
6     you to say, yes, there were concerns,  
7     absolutely. You know, the numbers, very  
8     few.

9           Q.     Okay. So let's talk about  
10    the ones that you, you do remember. Do  
11    you remember whether they were at a  
12    particular level of education, meaning  
13    elementary school, middle school, high  
14    school, or did that vary?

15          A.     It, it did vary. The ones  
16    that I am thinking about and were  
17    enabling me to answer affirmatively that  
18    the did exist were primarily at the  
19    secondary level.

20          Q.     Is that high school, the  
21    secondary level?

22          A.     Yes. Middle school, high  
23    school, yes.

24          Q.     Okay. So, secondary level

1 was broken down -- or, includes middle  
2 school and high school?

3 A. Yes.

4 Q. Do you recall the schools  
5 that, that these incidents involve -- or,  
6 let's -- I mean, off the top of your  
7 head, how many incidents can you think  
8 of, like, specific things, so I can kind  
9 of break them down like that?

10 A. Again, you know, probably  
11 two, three, maybe four, tops, that, you  
12 know, rose to this level, and they were,  
13 I believe, high school level.

14 Q. Tell me generally, like,  
15 what you remember about each or, like,  
16 what -- like, if you're having separate  
17 memories of, you know, two, three, four  
18 different ones at the high school level,  
19 can you just kind of tell me generally,  
20 like, what each involved?

21 A. There were incidents of  
22 staff members having inappropriate  
23 physical contact with students through  
24 sexual intercourse with a student. That

1 ran the gamut of the situations we were  
2 involved in at the times that they were  
3 investigated, and disciplinary actions  
4 were taken.

5 Q. Was this sexual intercourse  
6 between a -- when you say staff member,  
7 are you talking about a teacher or, like,  
8 a administrator, or?

9 A. Teacher. Teachers and  
10 students.

11 Q. Okay. In all of the  
12 situations you can remember, was it  
13 always involving a teacher having sexual  
14 intercourse with a student?

15 A. It wouldn't necessarily have  
16 had to be sexual intercourse. As I  
17 indicated, it could have been  
18 inappropriate physical touching, with the  
19 most extreme being intercourse.

20 Q. And when you say  
21 inappropriate physical -- sorry, go  
22 ahead.

23 A. I said in one case that I  
24 can recall.



1           Q.     Okay.  When you say  
2 inappropriate physical touching -- or --  
3 is that in a sexual nature, do you mean?

4           A.     Yes, I believe so.

5           Q.     Okay.  Is there, is there  
6 another -- I just want to make sure that  
7 I'm understand what you're saying -- is  
8 there another --

9           A.     Yes.  I think, you know,  
10 unwanted physical contact, touching a  
11 shoulder, you know, touching a back, is  
12 not, you know, one of -- an intimate  
13 area, but it's still unwanted and would  
14 be deemed inappropriate by a staff  
15 member.

16          Q.     Okay.  The allegations or  
17 the situations you can remember from the  
18 district involving a teacher and a  
19 student with this inappropriate contact,  
20 were they of, like, the shoulder or the  
21 back touching, or were they of, like,  
22 more intimate areas?

23          A.     More intimate areas.

24          Q.     Okay.  Would you agree with

1 me that it was, like, a sexual --

2 A. Sexual.

3 Q. -- inappropriate touching  
4 nature?

5 A. Yes.

6 Q. Okay. So I really just want  
7 to kind of break down to understand -- I  
8 know you talked about the one incident  
9 involved a teacher having intercourse  
10 with a student, that's one time you can  
11 recall, correct?

12 A. Yes.

13 Q. All the times you can  
14 remember, were they different teachers  
15 involved, or was it the same teacher in  
16 each of these incidents, that you can  
17 remember?

18 A. Different teachers.

19 Q. Okay. For each incident, it  
20 was a different teacher?

21 A. Yes.

22 Q. Okay. Let's start with the  
23 one where the teacher was having  
24 intercourse with the student.

1                   Was that something -- do you  
2 know the timeframe about when that  
3 happened, like, the year?

4           A.       I don't.

5           Q.       Do you know what -- was it  
6 at North Penn High School, then, since  
7 that's the only high school?

8           A.       Yes.

9           Q.       How did you -- or, what  
10 involvement did you have in, like, the  
11 investigation or the situation in the one  
12 where the teacher was having intercourse  
13 with the student?

14          A.       I believe that was raised  
15 through the high school principal to our  
16 assistant superintendant and  
17 superintendant, by virtue of their  
18 oversight of the secondary program and  
19 discussion with me, and we guided the  
20 investigation, working with our district  
21 solicitor, and we followed protocols,  
22 involved the police. It was a situation,  
23 if I recall correctly -- again, you know,  
24 without the specificity of my notes -- I

1 believe the sexual interactions took  
2 place outside of the district. I don't  
3 believe that they happened on property,  
4 if memory serves me correctly. And we  
5 did not -- the staff member was  
6 immediately suspended, given, you know,  
7 through -- or, put on administrative  
8 leave, you know, through the duration of  
9 the investigation and wound up being  
10 dealt with, you know, through the  
11 authorities and resigned position at the  
12 same point in which we were terminating  
13 employment.

14 Q. Did that involve a criminal  
15 prosecution of the teacher?

16 A. I do not know.

17 Q. Do you know whether, like --

18 A. I don't recall.

19 Q. Okay. Do you know whether  
20 he was, like, convicted or went to jail  
21 or anything like that, what the outcome  
22 was?

23 A. I do not.

24 Q. Was the teacher that was

1 involved in that incident, was it the  
2 student's teacher for one of the high  
3 school subjects?

4 A. It was not a -- it was --  
5 yes, it was a teacher who had direct  
6 supervision for the student in a  
7 cocurricular area.

8 Q. Like, an after school  
9 activity or something like that?

10 A. A cocurricular is during the  
11 course of the day as well as expanding  
12 beyond the day, for activities.

13 Q. Okay. So it wasn't, like,  
14 a -- you're saying it wasn't in, like, an  
15 academic class or something, is that what  
16 you're saying?

17 A. It was. It was a teacher  
18 who had responsibility for an academic  
19 area as well as the cocurricular area.  
20 So you have departments like, you know,  
21 music and gym and art, that they have  
22 components in the curriculum that also  
23 carry over into after school chorus and,  
24 you know, drama and band and that kind of

1     thing.

2             Q.     Okay.  Do you recall what  
3     the cocurricular was?

4             A.     I believe it was band.

5             Q.     Do you recall whether Pete  
6     Nicholson was the principal of the high  
7     school at that time?

8             A.     It may have been.  I  
9     don't -- again, I don't recall.

10            Q.     Do you remember -- you said  
11    that you were having -- you said you  
12    guided the investigation with the  
13    district solicitor.  Do you remember who  
14    was involved other than you and the  
15    district solicitor in that investigation?

16            A.     Yes.  I believe our  
17    superintendant, Dr. Dietrich.

18            Q.     Okay.

19            A.     And our now assistant  
20    superintendant, Todd Bauer, and -- may  
21    have been principal at the time or it may  
22    have shifted to Pete Nicholson.  I don't  
23    recall, again, you know, the timeframe.  
24    I believe it might have been Pete and

1 Todd would have been assistant  
2 superintendant, because I think this was  
3 more recent than the other situations  
4 that I'm recalling.

5 Q. Okay. Was Todd Bauer the  
6 principal of North Penn before he --  
7 North Penn High School before he became  
8 super -- assistant superintendant of the  
9 district?

10 A. He was.

11 Q. Okay. And then, after Todd  
12 Bauer left and went into the assistant  
13 superintendant role, that's when Pete  
14 Nicholson took over as principal of the  
15 high school?

16 A. That's correct.

17 Q. Okay. What -- when you say  
18 that you were part of this investigation  
19 with this team, what was your role in  
20 this investigation involving the, the  
21 band teacher intercourse with the  
22 student?

23 A. My role, in terms of HR and  
24 Title IX, was, really, helping to



1     ascertain that the steps in the process  
2     were followed, working with the attorney  
3     and the leadership in terms of  
4     appropriate courses of action, and then  
5     once that had been determined, you know,  
6     obviously the paperwork that accompanies  
7     the investigation and the disciplinary  
8     action that was taken.

9             Q.     For the teacher?

10            A.     Yes.

11            Q.     When you say the steps in --  
12     making sure the steps in the process were  
13     followed, what do you mean, like, what  
14     did, what did -- what is that -- what did  
15     you do?

16            A.     Well we discussed the  
17     investigation of the student that was  
18     involved, the students, any witnesses,  
19     discussion with the staff member who was  
20     alleged to have been involved and moving  
21     forward, working and cooperating with the  
22     police and then determining, again, as I  
23     said, the appropriate course of action  
24     with regard to discipline for this staff

1 member.

2 Q. In terms of the  
3 investigation and finding out what  
4 happened and kind of before you get to  
5 the discipline of the staff member, did  
6 you have any, like, hands-on involvement  
7 in the investigation, in terms of, like,  
8 interviewing or anything like that?

9 A. No. I do not believe so.

10 Q. And who --

11 A. It was done with the high  
12 school administration, the superintendant  
13 and I believe the police. It was a  
14 collaborative effort with all involved at  
15 that point.

16 Q. And who was -- not in terms  
17 of -- I guess, was the police  
18 investigation and the district  
19 investigation going on, like,  
20 concurrently, at the same time?

21 A. I believe so.

22 Q. In your understanding as the  
23 Title IX coordinator from 2014 to 2018,  
24 do you know whether -- is that the

1 process, that the district investigation  
2 goes concurrently with the police  
3 investigation, or does, like, one have to  
4 wait for the other?

5 A. I think it depends on the  
6 circumstances. You know, you have to --  
7 at times, if parents are informed first,  
8 sometimes police are informed first. And  
9 so, you know, we have cooperation with  
10 our local municipalities that serve the  
11 district, that we will collaborate and  
12 work with them. So, if we're informed  
13 first and it's something that is deemed  
14 appropriate and necessary for law  
15 enforcement to be involved in, we  
16 communicate with them and share documents  
17 and information, and if it's gone to them  
18 first, they will typically report on  
19 scene and make us aware of their  
20 investigation and provide us with  
21 opportunities to investigate as well.  
22 There's also community resource of  
23 Mission Kids, that we work with, and that  
24 they sometimes step in and supercede our

1 ability to talk with a victim first,  
2 because they want to have that done by,  
3 you know, their investigators. So then  
4 we all are waiting to hear back and have  
5 that information. At least, at the time,  
6 it was. Again, I can't speak to where  
7 things have progressed right now. But  
8 those were some of the factors that had  
9 to be coordinated and worked into our  
10 processes at all times.

11 Q. So Mission Kids is really  
12 involving the, like, victim in a  
13 situation and interviewing, like, a child  
14 victim --

15 A. Yes.

16 Q. -- to see whether or not  
17 abuse occurred, right?

18 A. Right.

19 Q. What about in terms of,  
20 like, any other invest -- or, interviews  
21 or things like that that needs to take  
22 place, are those things that the district  
23 typically continues to do while you're  
24 waiting for a Mission Kids interview, if

1     there's going to be one?

2             A.     In terms of what other  
3     witnesses on the periphery, yes, yes, we  
4     would be doing that.  You know, the  
5     essence, obviously, in an investigation  
6     is to be as timely as possible so that  
7     memories are as clear and crystallized as  
8     possible.  And so sometimes things are  
9     happening concurrently, sometimes an  
10    investigation with a student will provide  
11    you with new information to investigate  
12    with other students, and sometimes it  
13    circles you back around to have to talk  
14    to the victim again, you know, multiple  
15    times, that kind of thing.  So, an  
16    investigation is really a live breathing  
17    aspect of, of what we do, depending on  
18    what we hear.

19            Q.     Would you agree with me,  
20    then, that there's no, like, policy in  
21    the district that you have to -- the  
22    district has to wait for a police  
23    investigation to conclude before the  
24    district can start their investigation?

1 MS. JORDAN: Note my  
2 objection to the form of the question.  
3 You can answer.

4 THE WITNESS: I -- can you  
5 repeat the question, please?

6 MS. LAUGHLIN: Yeah.

7 BY MS. LAUGHLIN:

8 Q. Is there a policy or  
9 procedure in the district -- and  
10 obviously -- so, I guess, let me clarify.  
11 I'm not asking you about things, like,  
12 after you left and what it is now,  
13 because you're not there anymore and you  
14 wouldn't know that step.

15 So during the time that you  
16 were there, was there any policy or  
17 procedure in the district that the  
18 district would wait until a police  
19 investigation concluded to do the  
20 district's investigation of a harassment  
21 situation?

22 A. I would, I would respond by  
23 saying we would not -- our investigation  
24 unless we were directed by police

1 authorities or a criminal case was  
2 involved that would direct us not to  
3 interfere with that situation or that  
4 case. You know, and again, unless we  
5 were directed not to, we would continue  
6 to do what we needed to do, from the  
7 standpoint of our students and our staff.

8 Q. Okay. When you say  
9 "directed not to", it's from the police  
10 department or --

11 A. From the police.

12 Q. -- Mission Kids?

13 A. Yes, absolutely. And --  
14 yes.

15 Q. Okay. Do you recall times  
16 in your time with North Penn School  
17 District where the district was told not  
18 to investigate and to wait, by the  
19 police?

20 A. I believe there was one  
21 situation that I can recall and probably  
22 not when I was director of human  
23 resources but when I was director of  
24 elementary, that Mission Kids did step



1 in, and we were not able to have access  
2 to the students in order to be able to  
3 question them.

4 Q. What about in terms of any  
5 other part of the investigation? I  
6 understand, in that, they said don't  
7 interview the students yet because  
8 Mission Kids wanted to first --

9 A. Mm-hmm.

10 Q. -- but what about in any  
11 other part of the investigation?

12 A. No. I don't believe so.

13 Q. Do you know whether, in  
14 that instance, whether, like, the  
15 investigation continued, like gathering  
16 documents, talking to employees or  
17 something like that?

18 A. Oh. Yes, absolutely. As I  
19 indicated, the district would continue to  
20 do what we needed to do to follow, you  
21 know, procedures and good investigatory  
22 practices.

23 Q. During your time, do you  
24 recall -- do you know whether there

1 was -- in order for an investigation to  
2 kick off, whether the form, like, a form  
3 needed to be completed in order for the  
4 district to investigate an incident?

5 A. The form is best practice  
6 and is called for in, you know, our --  
7 within the regulation and alluded to in  
8 the policy as an expectation. But if a  
9 staff member or an administrator within  
10 the district knew of a situation that was  
11 concerning or violating another  
12 individual, it -- they would -- it could  
13 be reported verbally and they would  
14 follow-up on.

15 Q. So it's not like if a  
16 parent, for example, would -- or, a  
17 student wouldn't have to complete a form,  
18 like, the investigation could start  
19 independent of any form being filed,  
20 right?

21 A. That's correct.

22 Q. When you said -- in terms  
23 of, like, law enforcement being involved  
24 in an investigation involving, like,

1 sexual misconduct in the school, I think  
2 the term you said or the phrase was if it  
3 was deemed necessary for law enforcement,  
4 was there a, like, process in place at  
5 the district, or was there a process in  
6 place during your time, for when  
7 something is deemed necessary to involve  
8 law enforcement?

9 MS. JORDAN: Note my  
10 objection to the form of the question.  
11 You can answer, Cheryl.

12 THE WITNESS: I, I don't, I  
13 don't believe so. There's nothing  
14 written. It's a matter of rising to a  
15 level, rising to a level of concern  
16 and, you know, depending on what, what  
17 the allegations are.

18 BY MS. LAUGHLIN:

19 Q. Is that, like, based --

20 A. And --

21 Q. I'm sorry, go ahead.

22 A. I was just going to say in  
23 compliance with statutes that we know to  
24 exist.

1           Q.     What statutes are you  
2 referring to?

3           A.     Well, with regards to  
4 harassment, discrimination laws that are  
5 violated, we would obviously involve the  
6 police.

7           Q.     But how -- I guess, are  
8 there specific, like, laws or policies  
9 you're referring to?

10          A.     Well I think when you're  
11 talking about sexual misconduct with a  
12 minor, that's certainly reportable and  
13 why the police were involved, under child  
14 protective services law.

15          Q.     Like, for Pennsylvania; do  
16 you mean?

17          A.     Yes.

18          Q.     Okay. Is there a certain --  
19 when you say sexual misconduct with a  
20 minor, is there a certain level of,  
21 like -- because we talked about, like, if  
22 it's a shoulder touch or a back touch  
23 versus, like, a touching of the private  
24 area. Is there some type of, like,

1 parameter guidelines that you're aware  
2 of, what the district is following in  
3 terms of when it's deemed necessary to  
4 report to law enforcement?

5 MS. JORDAN: Note my  
6 objection to the form of the question.  
7 You can answer.

8 THE WITNESS: Anything of a  
9 sexual nature has been reported to the  
10 police.

11 BY MS. LAUGHLIN:

12 Q. When you say "anything of a  
13 sexual nature", what does that mean?

14 A. If it, if it is deemed to be  
15 sexual harassment, sexual abuse, then  
16 absolutely, we have reported it.

17 Q. And how do you -- I guess  
18 I'm just -- how do you, like, deem  
19 something to be sexual assault or sexual  
20 abuse, like, how does -- is there some  
21 type of guidance for all district  
22 employees that they know to follow on  
23 what is or isn't sexual abuse or sexual  
24 assault?

1 MS. JORDAN: Note my  
2 objection to the form of the question.  
3 You can answer.

4 THE WITNESS: I think we  
5 have reviewed the child abuse  
6 statutes, we've reviewed child  
7 protection services laws, and we've  
8 provided that information to  
9 constitute a situation of sexual  
10 harassment.

11 BY MS. LAUGHLIN:

12 Q. So under those laws, like,  
13 that's what you're referring to?

14 A. Yes. And under our district  
15 policies.

16 Q. Is there a --

17 A. For harassment.

18 Q. The harassment policy for  
19 the district?

20 A. Yes, I believe so.

21 Q. Okay. Do you know whether  
22 the district's harassment policy  
23 delineates, like, what constitutes sexual  
24 misconduct of a minor that's deemed

1 necessary to report to law enforcement?

2 A. Yes. I believe there are  
3 definitions within the policy that  
4 provide guidelines for what harassment  
5 constitutes.

6 Q. Okay. But I guess in terms  
7 of, like, what's necessary -- so you're  
8 saying any harassment under that policy  
9 that's sexual in nature involving a minor  
10 would be reported to the police?

11 A. Yes. I believe that's true.

12 Q. How is that communicated --  
13 because you were saying, like -- how is  
14 that communicated to, to the staff, like  
15 teachers and things like that, at each of  
16 the schools?

17 A. That would have been  
18 through, you know, our policy revisions  
19 when principals are discussing protocols  
20 in faculty meetings, that would have been  
21 made aware to them.

22 Q. Do you recall there ever  
23 being specific instruction or a meeting  
24 about what's deemed necessary to report



1 to law enforcement in terms of sexual  
2 misconduct of a minor, or with a minor?

3 A. I believe that those -- the  
4 particular laws that were shared, the  
5 child protective services laws and what  
6 constitutes sexual misconduct or sexual  
7 harassment, were shared with staff during  
8 the context of the faculty meetings and,  
9 most clearly, our administrative team,  
10 who share the responsibility for  
11 reporting upwards and outwards to both  
12 administrators within the district, the  
13 district solicitor, who guides us, as  
14 well as to authorities.

15 Q. Do you recall that  
16 specifically, being, like, part of, like,  
17 agendas or discussions that you had at  
18 the administrative level with the, like,  
19 60-plus people that are at these  
20 meetings?

21 A. I believe it would have been  
22 found within those agendas in the  
23 trainings, yes.

24 Q. Do you recall specifically,

1     though, or are you just saying, like,  
2     generally, I think that they would have  
3     been included?

4             A.     I do recall specifically  
5     discussions surrounding the policies,  
6     actions, case studies. Can I tell you  
7     the date and time, no.

8             Q.     Do you recall how many times  
9     that happened, can you estimate for me?

10            A.     I cannot.

11            Q.     Even, like, a, a ballpark.  
12     Was it more than once, or?

13            A.     Yes. I believe it was more  
14     than once.

15            Q.     Can you -- is it more than  
16     five times?

17            A.     I don't know.

18            Q.     Okay. I know you said, with  
19     the, the band teacher with the student at  
20     North Penn High School, that you were  
21     involved in the investigation, like, at  
22     the ground level, I guess, with, like,  
23     students and things like that, correct?

24            A.     No, I did not. I indicated

1 that I was supportive of the process but  
2 that the principal and I believe the  
3 superintendant and assistant  
4 superintendants, who govern and supervise  
5 the secondary program, were involved with  
6 the students and talking directly with  
7 the students. It was not common practice  
8 for me, as the director of HR, to do  
9 that.

10 Q. What about in terms of your  
11 Title IX coordinator role, still not  
12 common for you to be involved in that?

13 A. I was involved in directing  
14 and overseeing the process. We have  
15 found and we know, based on research,  
16 that people who are most familiar to  
17 students will wind up having the best,  
18 you know, response from them, they're of  
19 greater comfort for them to share when  
20 you're talking about these emotional  
21 issues. So, you know, bringing in a  
22 stranger doesn't always get the best  
23 results, and having confidence in our  
24 team and knowledge of the caliber of our

1 administrators, as I said before, they  
2 would investigate with the students, take  
3 statements, share them with us, you know,  
4 as appropriate in the investigation with  
5 me.

6 Q. When you say "take  
7 statements", is there a process in place  
8 as to how statements are to be made,  
9 meaning, like, students writing out their  
10 own statements versus collaborative  
11 interviewing, like creating a summary, is  
12 there a process in place as to how that  
13 should be done in the district?

14 A. Obviously, when a student is  
15 of, you know, appropriate age level, they  
16 can write out their own statements, and  
17 depending on their emotional state at the  
18 time, that's always best process and it's  
19 always what we request, and in most cases  
20 it's what we're able to ascertain and to  
21 receive. In some cases, it is obviously  
22 with our -- if it would happen with  
23 younger students and/or the students who  
24 are emotionally distressed or special

1 education students, who may not be  
2 capable of doing it through the written  
3 word, we will scribe for them or we will  
4 take notes. Always, whether there's a  
5 student written statement or not, there  
6 will be administrative notes regarding  
7 the investigation with the questions  
8 asked and the student responses. So it's  
9 a, you know, who, what, when where kind  
10 of situation that they've been trained  
11 with as well as anyone else that might  
12 have seen it or witnessed it or been a  
13 party to it, and then stressing,  
14 obviously, the confidentiality of the  
15 situation so that we can be sure that  
16 what is heard and ascertained in the  
17 investigation is, you know, as true as  
18 possible.

19 Q. Okay. When you said that --  
20 and I understand in, in -- from what  
21 you're saying, a preschooler isn't gonna  
22 be able to write out a simple statement.

23 A. Right.

24 Q. I have a toddler myself, and

1 that would not be a good task, so I  
2 understand.

3 But for instance, in terms  
4 of high school, like, unless they have  
5 some type of special needs or something  
6 like that, those would be students  
7 typically that -- what you would expect  
8 out of people doing an investigation in  
9 the district is that the students would  
10 be writing statements and submitting  
11 those; is that right?

12 A. Yes.

13 Q. And then you said that you  
14 would also, I think you said always, have  
15 the questions asked and the student  
16 responses?

17 A. Yes.

18 Q. And what -- is that, like,  
19 whoever is interviewing, like, what the  
20 question -- how does that look, or what  
21 does that --

22 A. Like, it might start -- an  
23 investigation might start with a very  
24 open-ended question, you know, much like

1 you started our conversation today, you  
2 know, tell me what you recall, tell me  
3 what you remember. And then, from there,  
4 the questions become more specific, based  
5 on the information that's shared, and,  
6 you know, you just evolve and develop.  
7 And at times, you know, when I talk about  
8 guiding a process, you know, I might  
9 discuss it with the administrator, and we  
10 might discuss questions that are  
11 pertinent and would be important to have  
12 answered.

13 Q. Okay. Does that -- sorry.

14 A. That's helping in  
15 supporting, you know, them in the  
16 investigation.

17 Q. Is that typically what you  
18 do when there's a Title IX investigation,  
19 that you tell them what questions are  
20 pertinent to ask, or is that generally  
21 not your involvement?

22 A. A part of the involvement,  
23 yes. So it's, you know, make sure that  
24 we have this, this and this captured,



1    what are some other thoughts pertaining  
2    to the information, and that allows them  
3    to also go into the situation with the  
4    student equipped with, you know, as much  
5    potential to get information as possible.

6           Q.     In these investigations, is  
7    there, like, a file created, like a Title  
8    IX investigation, is there a district  
9    file created with, like, the statements  
10   or the documents or whatever evidence in  
11   the district investigation?

12          A.     Yes.  There would be a file  
13   the investigation created.

14          Q.     Where is that kept?

15          A.     It would typically be kept  
16   in human resources.  Again, if it is  
17   references a staff member or something  
18   that happened, you know, involving a  
19   staff member, if it is -- you know,  
20   student to student, it might exist first  
21   at the building level and then raised up  
22   to the appropriate level supervisor, like  
23   a director of elementary, director of  
24   secondary, that kind of thing.

1 Q. Student -- I'm sorry.

2 A. Along with those point  
3 people.

4 Q. Okay. In terms of the  
5 student-on-student Title IX, like, sexual  
6 misconduct investigation, you said that  
7 they'd be kept at the building level?

8 A. Well they would originate  
9 there.

10 Q. Oh.

11 A. And then if there, you know,  
12 if there was not involvement from a staff  
13 member, I believe they would be  
14 maintained there or at the appropriate  
15 director's level. So, you know, if it  
16 happened at the secondary, the director  
17 of secondary or the assistant  
18 superintendant of record for secondary  
19 would have knowledge of and probably  
20 maintain that file with the student as  
21 well as it being at the building level.

22 Q. When you say they probably  
23 maintained, what -- I mean, what --

24 A. They would be made aware of

1 it. Whether they would have the physical  
2 file or copies of it, that I, I, I can't  
3 speak to. I can't say for sure.

4 Q. So there's no, like,  
5 specific policy that you're aware in the  
6 district for a director of special  
7 education or somebody higher up at the  
8 building level to keep incidents of  
9 student-on-student sexual misconduct; is  
10 that correct?

11 A. I don't believe there's  
12 policy to that effect. I can tell you  
13 that, in those roles, the people in those  
14 roles do have them. As director of  
15 elementary, I had, I had the files, and I  
16 kept them.

17 Q. So, I guess, how would --  
18 there's no policy, like, a written policy  
19 in place that that's the procedure to be  
20 followed. How do you, like, as director  
21 of elementary education or something like  
22 that, how do they know to, like, keep a  
23 file or how it's maintained or where it's  
24 maintained?

1           A.       It's how we were trained,  
2       it's what we do, it's how we supervise  
3       and observe and help support the people  
4       that we interact with. It's what I would  
5       have done as a principal, it's what I did  
6       to support my principals, and it was what  
7       I needed to do to carry out the  
8       responsibilities of my job as director of  
9       elementary.

10           Q.       I understand you're saying.

11           A.       Yeah.

12           Q.       Go ahead.

13           A.       It's just a matter of what  
14       we do. When it -- you know, you discuss  
15       it, you talk about it in our  
16       administrative meetings, as I indicated,  
17       and so, just because it's not written  
18       down in a policy doesn't mean best  
19       practice doesn't happen on a daily basis  
20       when it needs to.

21           Q.       Well I guess -- so, I know  
22       there's not a written policy, but is  
23       there a practice in -- I understand  
24       you're telling me what you would do, it's

1 your experience and I would have done  
2 this and -- you know, I --

3 A. Mm-hmm.

4 Q. -- understand that's what  
5 you're saying.

6 A. Mm-hmm.

7 Q. But in terms of a practice  
8 in the district, do you know whether  
9 that's consistent among, like -- that  
10 that's the expectation, that's what they  
11 do, that's what we've been trained within  
12 the district to do, do you know whether  
13 there's something like that?

14 A. I believe that you would  
15 find that in, in the district. I believe  
16 that you would find the director of  
17 secondary, the director of elementary,  
18 the director of special ed having access  
19 to those files, statements, folders  
20 information. Right now, it's more  
21 electronic than creating a file folder  
22 and handwritten notes. But yes, I  
23 believe that it is common practice and it  
24 is understood that when you have a

1 situation of sexual harassment you are  
2 also informing your immediate supervisor  
3 as one of the director levels.

4 Q. And I guess I'm talking  
5 about the, like, documentation of it, and  
6 I -- I'm trying to, I guess --

7 A. We -- they --

8 Q. Sorry. I'm trying to be  
9 specific as to whether there's a practice  
10 in place for the directors of elementary  
11 education or special education or  
12 whatever to maintain those files.

13 Is there any kind of  
14 practice in the district that, in  
15 addition to them being at the building  
16 level, that those supervisors also are  
17 maintaining those files?

18 A. Yes. I believe that that is  
19 occurring. It occurred when I was the  
20 director of elementary. We were --  
21 documents were shared, they were  
22 forwarded to central office to my  
23 attention. At times, I would even be in  
24 the building and bring the physical

1 copies back to me in that time period.  
2 In more recent years, there are shared  
3 folders that are secure in nature that  
4 can be shared electronically and/or  
5 accessed by anyone. So it's not a matter  
6 of is there, is there a file maintained  
7 here for a student and a file maintained  
8 here, it is a common file where  
9 investigative documents are housed, and  
10 the pertinent people have secure access  
11 to those electric files.

12 Q. Okay.

13 A. Does that help?

14 Q. Do you have an estimate of  
15 when it was moved to electronic versus,  
16 like, the paper box file or whatever?

17 A. I would say sometime during,  
18 you know, more recent year, like  
19 2015/2016 on, we moved to paperless in,  
20 in many of our functions within the  
21 district. And so that's where secured  
22 sharing happened, you know, through a  
23 number of platforms that the district  
24 has.



1           Q.     Okay. One of those is,  
2     like, the Google Drive, like that we  
3     talked about?

4           A.     It is. Dropbox, Secure  
5     Locations was another, and then we also  
6     have just secure student software and  
7     employee software too. So CRM systems,  
8     things of that nature that are, you know,  
9     limited access to.

10          Q.     Student-on-student  
11     misconduct, like we've been talking  
12     about, where exactly are they housed?  
13     Like, is it the student that was accused,  
14     in their, like, student file, or what  
15     type of category or whatever are those  
16     documents kept in?

17          A.     I believe that there are  
18     general folders and files. They're not  
19     a -- they're not kept in a student  
20     folder. It's not -- that's not under  
21     parameters of, of the way that we would  
22     maintain those records. If discipline  
23     was a result of the interaction, there's  
24     a separate discipline file for the

1 student that would house the pertinent  
2 documents. If there are notes regarding  
3 separation of students because of past  
4 issues and concerns, guidance counselors  
5 and people at the building level who are  
6 responsible for scheduling should be made  
7 aware of that so that they're able to  
8 continue to carry out those requirements.  
9 But as a administrator, there would be  
10 some level of a general file. So that  
11 would be kept with -- maintained in the  
12 student's folder, comprehensive file,  
13 will be maintained separately.

14 Q. Is there, like -- you said,  
15 like, a general folder. Is there, like,  
16 a title to this folder, or is it just so,  
17 like, student-on-student misconduct under  
18 Title IX folder, or, like, how -- do you  
19 have anymore details about how this  
20 folder is categorized or maintained?

21 A. I don't. I know how I did  
22 it. I can't speak for -- again, it's  
23 just a practice that I know  
24 administrators have been trained in

1 documenting, maintaining their  
2 documentation and referencing  
3 documentation for the future.

4 Q. How do you know they've been  
5 trained on that?

6 A. It's a part of what, what we  
7 do. It happens in Principal 101 through  
8 your principal certification program,  
9 your supervisor certificate, and it was  
10 recurring in our administrative meetings  
11 on a monthly and yearly basis, and we  
12 talk about doing investigations in any  
13 realm, whether it's sexual harassment,  
14 Title IX or basic -- discipline. You  
15 know, you make sure you have your  
16 documentation, and you maintain it in  
17 ways that will help you moving forward.

18 A. I guess, was there training  
19 specifically on how to, like, document,  
20 retain and, like, keep student-on-student  
21 sexual misconduct incidents.

22 A. Yes, there was. There were  
23 professional development presentations  
24 done on conducting investigations, as

1 they relate to students, as they relate  
2 to staff and as they relate to students  
3 and staff. So those parameters were  
4 provided to our administrative team, who  
5 then, in turn, talked to staff members,  
6 faculty at the building level. Some  
7 cases, they even have developed forms  
8 that allow for the reporting of incidents  
9 that happen in the classroom under the  
10 discipline code, to then be shared upward  
11 with building principals or directors,  
12 whatever the line might be appropriate  
13 given the situation.

14 Q. You said that there's  
15 actually documentation on how to, like,  
16 conduct the investigations and --

17 A. I believe we have had  
18 presentations with regards to conducting  
19 investigations, best practices,  
20 documenting, aside from, as I said to  
21 you, it's basic in the coursework that  
22 administrators have to have when they are  
23 seeking certification as an administrator  
24 in the Commonwealth of Pennsylvania.

1           Q.       I understand. And I guess I  
2 hear what you're saying, you went through  
3 a lot of education to get to where you  
4 were and a lot of courses, from undergrad  
5 to grad school and all of that, I get  
6 that. But I just want to distinguish  
7 specifically in terms of what the  
8 district, North Penn School District, has  
9 put in place in terms of training on the  
10 documentation and where to house things  
11 and maintain it and stuff like that.

12                   Has there been any specific  
13 practices or policies that you're aware  
14 of of how to maintain those as far as how  
15 the district, you know, directing it be  
16 done?

17           A.       Yes. I believe I responded  
18 to that. I indicated that it happened  
19 through our district administrative  
20 meetings with presentations outlining the  
21 investigation steps, documentation and  
22 what to do in specific situations. I  
23 believe those were also done in  
24 conjunction with the district solicitor

1 the maintaining records, knowing that  
2 they should not be maintained or housed  
3 within a student's comprehensive file,  
4 just like, you know, they're not  
5 maintained in an employee's comprehensive  
6 file. There's separate files for the  
7 appropriateness of what it is you're  
8 maintaining.

9 Q. Why shouldn't it be in a  
10 student's comprehensive file if a student  
11 is, like, accused of misconduct?

12 A. We operate and house our  
13 disciplinary measures in a separate file  
14 from students, where students inside the  
15 comp files are solely academic records  
16 pertaining to the academic levels of a  
17 student.

18 Q. In terms of the  
19 disciplinary, though, that's in a --  
20 inside a student's folder in, like, a --  
21 it sounds like a subfolder --

22 A. Mm-hmm.

23 Q. -- type of thing --

24 A. Right.

1           Q.     -- is that just, like, if  
2     they got a suspension or a detention or  
3     something like that, is that the  
4     disciplinary documentation that you're  
5     talking about?

6           A.     Yes.  That can be a part of  
7     it, yes.

8           Q.     Are there other things that  
9     are a part of that disciplinary file  
10    that's kept in the subfolder of the  
11    student's folder?

12          A.     It would be, you know, the  
13    situations -- excuse me -- any discipline  
14    that that student experienced would be  
15    kept in that folder.

16          Q.     But, I guess, what -- in  
17    terms of the discipline, is it just --  
18    because I've seen, like, a printout of,  
19    you know, like, when -- the date somebody  
20    got suspended and it was a day of  
21    in-school suspension and what it was for  
22    and things like that.  Are there other  
23    things that the district typically, you  
24    know, practices to keep other things



1 other than just that, you know,  
2 electronic documentation that kind of has  
3 it crossing the line of what the  
4 disciplinary issues with that student  
5 were?

6 A. Any of the supporting  
7 documentation that leads up to the  
8 discipline measures could be found in  
9 that folder as well.

10 Q. When you say "could be", is  
11 there a policy that that should be kept  
12 in that folder as well?

13 A. I don't believe there's a  
14 formal policy.

15 Q. How would --

16 A. It's good, it's good  
17 investigative practice to substantiate  
18 the reasons for the decisions and  
19 discipline that was determined.

20 Q. When you say it's best  
21 practice to do so, is that from, like,  
22 your own experience or the district had,  
23 like, a best practice that it was  
24 informing people of and expecting

1 compliance with?

2 A. I believe it was components  
3 of the presentations done on conducting  
4 investigations.

5 Q. Okay. These trainings that  
6 you're talking about, where it was -- I  
7 know you keep saying it's about the  
8 investigation and how the investigation  
9 should be done and things like that. But  
10 in terms of just documenting and keeping  
11 the documentation after an investigation  
12 is over, is there -- was there a practice  
13 or instruction or training on where that  
14 should be kept specifically?

15 A. I believe that was in the  
16 context of the presentations. The  
17 discussions surrounding documentation and  
18 maintaining documentation were shared as  
19 a practice. To house it within the comp  
20 file that's shared is not something that  
21 we did but separate files with student  
22 needs associated to -- you know,  
23 associated or in conjunction with their  
24 files that were maintained, and within

1 that, you would find the formal  
2 documentation of letters of discipline,  
3 if they were for a detention, a  
4 suspension, leading to expulsion as well  
5 as the supporting documentation behind  
6 that. I can't answer it any other way.  
7 That's what I know.

8 Q. I understand.

9 Do you know whether this  
10 training or this presentations of how to  
11 maintain, like, the investigative-type  
12 parts, like, you know, statements and  
13 what all happened, like, other than just,  
14 like, the end result, like, whether they  
15 were suspended but all those details of  
16 the investigation, of what actually  
17 happened, if there were multiple victims,  
18 things like that, where specifically is  
19 that supposed to be kept, according to  
20 the district?

21 A. I believe it is in a  
22 separate file in conjunction with a  
23 student -- the student's file.

24 Q. Like, in that disciplinary

1 subfolder?

2 A. Yes.

3 Q. Would everybody have access  
4 to that, or who has access to the  
5 student, like, folder and subfolders?

6 A. That's primarily why --  
7 that's another reason why it's not housed  
8 in a comprehensive folder. It would  
9 be -- discipline typically would be  
10 maintained by the principal, guidance  
11 counselors, any of the people who have  
12 access to that student folder at the, at  
13 the time.

14 Q. In your tenure, was there  
15 any process in place to kind of track in  
16 a sense, like, student conduct, like, for  
17 example, a student who had multiple  
18 instances of sexual misconduct over the  
19 course of their educational career within  
20 the district, is there process in place  
21 to be tracking something like that?

22 A. Typically the principals  
23 would manage that through, you know, that  
24 folder and their knowledge, and quite

1 honestly, there aren't, there aren't so  
2 many that you can't, as a principal, know  
3 them, track them and recall them as well.  
4 But that's, again, the basis for the  
5 folders. So if they have a discipline  
6 folder on a, on a student, then the  
7 cumulative effects can be seen through  
8 that discipline folder.

9 Q. Like, if somebody -- like,  
10 the next principal picks up that  
11 student's folder and looks at it, then  
12 they'll be able to see what had happened  
13 beforehand?

14 A. Yes.

15 Q. Without them doing that  
16 independently, is there anything in the  
17 district in place -- it's a large  
18 district -- to, like, monitor whether a  
19 student is having, like, multiple  
20 allegations or instances of sexual  
21 misconduct with other students?

22 A. Yes. There are transition  
23 meetings that happen between levels. So  
24 from sixth to seventh grade and then, you

1 know, moving up to the high school, at  
2 that level, ninth to tenth, guidance  
3 counselors, in particular, are  
4 responsible for sharing information  
5 regarding the students that they're  
6 passing on from one level to the next,  
7 and when situations like that occur, that  
8 would be a component of what is shared.

9 Q. It's up to the guidance  
10 counselor when a student is going from,  
11 like, you say elementary to middle  
12 school, to communicate that to, like, the  
13 next school's guidance counselor?

14 A. I believe so. I believe  
15 that if, as the files are being released  
16 when there are nuances of concern with  
17 regard to students, they are raised and  
18 shared from one level to the next. But  
19 that might also best be addressed by an  
20 academic supervisor rather than the  
21 director -- former director of HR.

22 Q. Meaning, that somebody else,  
23 another witness, may know more than you  
24 about that situation, is that what you're

1     saying?

2             A.     Yes.

3             Q.     Okay.  And I'll, I'll get to  
4     talk to different people, you know, see  
5     what they know.

6                     But since you're here today  
7     and this is my, you know, one chance to  
8     ask you questions as the, you know, both  
9     director of HR and, I guess, also, the  
10    director of Title IX, would you agree  
11    with me that title -- sexual -- sorry --  
12    would you agree with me that  
13    student-on-student sexual misconduct is a  
14    Title IX issue, like, within the  
15    district?

16                    MS. JORDAN:  Note my  
17    objection to the form of the question.  
18                    You can answer.

19                    THE WITNESS:  It depends  
20    what your definition of 'issue' is.  I  
21    don't believe it's an issue.  Does,  
22    does -- would that behavior constitute  
23    a concern under Title IX, if it  
24    existed, yes.



1 BY MS. LAUGHLIN:

2 Q. I guess, is it within your  
3 role and responsibility, like, your  
4 umbrella of all the things that, you  
5 know, you're responsible for,  
6 student-on-student sexual misconduct, is  
7 that within the umbrella of you as the  
8 director of Title IX?

9 A. Yes.

10 MS. JORDAN: Note my  
11 objection to the form of the question.  
12 You can answer.

13 BY MS. LAUGHLIN:

14 Q. Other than --

15 A. Yes.

16 Q. Sorry, go ahead.

17 A. Yes. I would think I would  
18 be made aware of that.

19 Q. You think you would be made  
20 aware of that; what do you mean?

21 A. I believe I would be made  
22 aware of student-to-student sexual  
23 misconduct under the role of Title IX  
24 coordinator.

1           Q.     Is there a process in place  
2     by which -- or a policy, perhaps, at the  
3     district that any time there is an  
4     allegation of student-on-student sexual  
5     misconduct, that whoever the report is  
6     made to, that it be communicated to you  
7     as well?

8           A.     Yes. It is in the policy.

9           Q.     And once it's -- when it's  
10    communicated to you, is it in the policy  
11    or practice of the district that, once  
12    the disclosure is made it gets reported  
13    to you, or is there a certain point in  
14    time that they're supposed to report it  
15    to you?

16          A.     I believe, once it is known,  
17    once the disclosure has been made, that  
18    there is contact, as I said before,  
19    upward through central office  
20    administration, if not directly to me, to  
21    me, at that point.

22          Q.     Okay.

23          A.     So it could come -- as I  
24    indicated before, it could come from the

1 principal in the building in which it was  
2 reported, they may have talked with their  
3 immediate supervisors, the director, and  
4 then it comes to me. But yes, it is  
5 reported to the director of human  
6 resources, as the Title IX coordinator.

7 Q. Okay. And that's even for  
8 student-on-student sexual misconduct,  
9 right?

10 A. Yes, I believe so. Through  
11 the window of time that the director was  
12 responsible as the Title IX coordinator.  
13 Beyond that, it would have been the  
14 assistant director of human resources.

15 Q. After, like, the end of  
16 2018?

17 A. Yes.

18 Q. I understand.

19 A. Okay.

20 Q. Was there a process in place  
21 of how they were supposed to inform you,  
22 like, phone call, e-mails, was there  
23 something in place as to how that would  
24 take place?

1           A.     No formality there, no.

2           Q.     If you had been made aware  
3 of something like that, as you said, you  
4 would expect that every time there was an  
5 allegation of student-on-student sexual  
6 misconduct, you'd be made aware, what,  
7 what were your duties and  
8 responsibilities once something like  
9 that, you were made aware of?

10          A.     We would share  
11 documentation, as you're indicating. I  
12 would have documentation, I would see it,  
13 talk through the investigation with them.  
14 They would arrive at the discipline with  
15 the student. At some point, we would  
16 also more than likely be talking with the  
17 district solicitor, making reference to  
18 that and checking, you know, our  
19 investigation and concluding with the --  
20 with appropriate action steps with regard  
21 to discipline and/or support for students  
22 if they needed any levels of emotional  
23 support.

24          Q.     You'd be involved in that

1 for every report of sexual misconduct for  
2 student-on-student?

3 A. I would be made aware of,  
4 yes, I believe so.

5 Q. But I guess there's -- I'm  
6 trying to distinguish, I guess, your role  
7 and how involved you were in -- you know,  
8 I understand you're being made aware of  
9 it, but in every case, were you also  
10 coming -- you know, working with the  
11 principal and whoever was actually  
12 interviewing the students, to come up  
13 with the questions and what discipline  
14 might be appropriate? Was that, in every  
15 case, you were also involved in that as  
16 well?

17 A. Not in every case. At  
18 times, the directors -- like, a director  
19 of elementary would come in and discuss  
20 disciplinary action. I would be in the  
21 conversation, just in terms of the  
22 investigation and making sure everything  
23 that needed to be done was done. And  
24 again, I'll remind counsel that there

1     were very few incidences of it.

2             Q.     I --

3             A.     So, it wasn't, it wasn't  
4     large and all consuming either.

5             Q.     I understand.

6                     Was there any type of, like,  
7     practice in place as to what thing you  
8     would get more hands-on involved with  
9     versus, like, the directors being more  
10    involved with the principal or something  
11    like that, is there any guidance for  
12    that?

13            A.     Yeah. I mean, obviously, as  
14    my -- in the dual role of director of  
15    human resources, if staff members were  
16    involved, I absolutely would be involved,  
17    especially if action needed to be taken  
18    with, for or against those staff members.  
19    So if it happened to be -- you know, if  
20    the, the harassment occurred, you know,  
21    in a supervised situation or what should  
22    have been a supervised situation, you  
23    know, on a -- on the bus, in the  
24    cafeteria, those kind of situations, then

1 absolutely, the dual rule of director of  
2 human resources will come into play.

3 Q. Because, then, you had that  
4 other hat in terms of, like, employee  
5 responsibility that you -- it's now  
6 bearing over into that as well, right?

7 A. Right. Because there is the  
8 potential for discipline action or  
9 support, you know, for, for an employee  
10 at that point.

11 Q. I --

12 A. So yes.

13 Q. I understand.

14 We talked about the first  
15 incident. I want to go back to the prior  
16 incidences that you can remember of  
17 teacher-on-student sexual misconduct that  
18 you recall from your tenure at the  
19 district. And we talked about the band  
20 teacher sexual intercourse incident at  
21 North Penn High School, and do you recall  
22 what, if anything, was implemented to  
23 support the student after this had come  
24 to light?



1           A.     I do not recall.

2           Q.     Do you recall whether the  
3 student stayed as a student at North Penn  
4 School District after this incident?

5           A.     I, I do not recall. I want  
6 to say yes, but I don't recall.  
7 Honestly, I don't remember.

8           Q.     Other than the teacher you  
9 said, I think -- did the teacher resign,  
10 or was he terminated?

11          A.     I believe they kind of  
12 happened together. So we were moving for  
13 termination, and I believe the teacher  
14 resigned in the midst of that as well,  
15 but I'd need to go back and look at my  
16 notes.

17          Q.     Okay. In that circumstance,  
18 how is it documented in the person's  
19 employee file, if they're, like, going  
20 through the process of termination but  
21 they resign in the meantime, is it  
22 documented that that person resigned in  
23 the district's records, like, in the  
24 employee file, wherever it's kept?

1           A.     It would have been -- all  
2     actions would have been included. So,  
3     information with regard to moving  
4     forward, you know, termination as well as  
5     capturing the resignation would both be  
6     included, depending on how far into the  
7     process we were with the termination,  
8     obviously, with the charges and things of  
9     that nature.

10           Q.     Are teachers -- at that  
11     district, are teachers allowed to, like,  
12     resign when there is termination  
13     proceedings, or, like, once they resign,  
14     is that just the end of it, because now  
15     they're out of the district at that  
16     point, or does the termination proceeding  
17     still go forward?

18           A.     I believe we conclude the  
19     process with the resignation.

20           Q.     Okay.

21           A.     There have been -- honestly,  
22     I can't think of many situations in which  
23     I can play out what happened first or  
24     where, where we would have continued to

1 go. I don't recall having gone through  
2 termination after resignation was  
3 received.

4 Q. Other than that teaching  
5 being disciplined, was there anybody else  
6 disciplined as part of that investigation  
7 and process?

8 A. I don't recall.

9 Q. Like, for example, like, the  
10 principal or anybody else that had  
11 supervisory roles?

12 A. I don't believe so, but I,  
13 I -- I don't recall.

14 Q. Okay.

15 A. I don't believe so.

16 Q. Okay. Other than that  
17 situation with the band teacher, what  
18 other circumstances do you remember about  
19 teachers with inappropriate sexual  
20 contact with students?

21 A. We had -- the two others  
22 that I can recall, teachers with  
23 inappropriate behavior towards students,  
24 sexual misconduct.

1           Q.     Okay.  What do you  
2     remember -- I guess, if there's two,  
3     let's break them down.  Tell me what you  
4     remember about the first one.

5           A.     The first one was primarily  
6     largely over as a result when I came on  
7     board as the director of human resources,  
8     but it was a staff member who was accused  
9     of touching a student sexually and the  
10    student -- and the staff member was put  
11    on administrative leave and suspension,  
12    during the course of the investigation.  
13    I believe the authorities were involved,  
14    and eventually the -- that case -- it's  
15    going back, you know, seven years, at  
16    this point.  I don't recall more of the  
17    details for you as to how that staff  
18    member eventually left the district,  
19    whether it was resignation, you know, or,  
20    or termination, but the staff member was  
21    no longer, no longer employed in the  
22    district.

23           Q.     And that was at North Penn  
24    High School as well?

1           A.     It was, yes.

2           Q.     Okay.

3           A.     It was -- yes.

4           Q.     And would that have been  
5 under Todd Bauer as the principal during  
6 the time, if you can recall?

7           A.     No. It wouldn't have been.  
8 It would have been the prior principal.

9           Q.     Do you remember who that  
10 was?

11          A.     Mr. Bert Hines.

12          Q.     Okay. Was the -- when you  
13 say the staff was accused of touching a  
14 student sexually, was that a teacher?

15          A.     It was, yes.

16          Q.     Okay. And was there any  
17 finding in the end of whether that  
18 actually happened? You said 'accused',  
19 he was accused of touching a student.  
20 Was there any finding by the district as  
21 to whether or not that did occur?

22          A.     I don't know. Again, as I  
23 said, I was not the director of human  
24 resources at the time nor was I

1 affiliated to the high school at the  
2 time. So the details, some of the  
3 specificity of details, I, I do not have.  
4 The, the overlap between the prior  
5 director and myself occurred that summer,  
6 and that was the same -- at the same time  
7 that the staff member was leaving the  
8 district. There was, you know,  
9 inappropriate content on the computer,  
10 those kind of things, that I think  
11 eventually led more of the demise. But I  
12 don't know -- I can't say what the  
13 investigation revealed, I don't remember,  
14 in terms of the student allegations and  
15 the staff member's acknowledgment or  
16 denial of it.

17 Q. Do you recall whether the  
18 investigation was completed at the time  
19 that you had taken over as the role or  
20 whether there was still investigation  
21 occurring the following year?

22 A. I believe the investigation  
23 with regard to the student aspect was  
24 completed. I was involved in a small

1 portion of the inappropriate use of  
2 district technology and accessing sites  
3 that were inappropriate for professional  
4 time that happened in the course of that  
5 summer when the employee still had  
6 district equipment and was in, was in an  
7 inservice, I believe, some type of  
8 training, and was accessing inappropriate  
9 sites. And at that point, just another  
10 component of his employment that wound up  
11 moving it forward, and it, it resolved  
12 with his leaving the district.

13 Q. Okay. So he was using --  
14 after this had come to light in the  
15 school year and the investigation had  
16 taken place in that school year,  
17 interviewing the student and whatever  
18 interviews may have been made, the  
19 teacher was still -- like, had his  
20 district computer over the summer?

21 A. Yes, I believe so.

22 Q. And was accessing, like,  
23 adult material or something --

24 A. Yes.



1 Q. -- generally?

2 A. Yes.

3 Q. Okay. And then it was after  
4 that point that either he resigned or was  
5 terminated or employment ended with him?

6 A. Yes. I believe he resigned  
7 in the midst of the investigation of  
8 that -- of the material.

9 Q. The second part of things?

10 A. Yes.

11 Q. The, the other one you can  
12 recall, what -- before we jump to that  
13 one, do you recall what subject that  
14 teacher taught?

15 A. I believe he was special  
16 education.

17 Q. Was the, was the student  
18 victim, was that a special education  
19 student?

20 A. Yes, I believe so.

21 Q. Do you recall anything about  
22 the level of disability that that student  
23 had that had been inappropriately  
24 touched?

1           A.     I don't.  Again, I wasn't  
2 involved at that point to know.

3           Q.     When you say the teacher was  
4 accused of inappropriately touching the  
5 student, do you remember any other  
6 details as to, like, where on the body  
7 the student was touched or how many  
8 times?

9           A.     No.

10          Q.     Do you recall whether that  
11 the allegations or the incidents occurred  
12 on school property?

13          A.     I believe so.  But I --  
14 again, I don't -- I can't say  
15 affirmatively, you know, positively.  But  
16 I believe so.

17          Q.     Do you know whether -- does  
18 the district have an obligation to  
19 investigate instances of sexual  
20 misconduct that occur off school grounds?

21                   MS. JORDAN:  Note my  
22 objection to the form of the question.  
23                   You can answer.

24 BY MS. LAUGHLIN:

1           Q.       Involving students. Not,  
2     like, if something's for, like, unrelated  
3     to the district.

4                     But involving students, does  
5     the district have an obligation to  
6     investigate instances of sexual  
7     misconduct among students that occur off  
8     school grounds?

9                     MS. JORDAN: Again, note my  
10    objection to the form of the question.  
11                     You can answer.

12                    THE WITNESS:  
13    Student-to-student or  
14    staff-to-student?

15   BY MS. LAUGHLIN:

16           Q.       Does it matter? Is there a  
17    distinguish (sic)?

18           A.       Well, I think, in one  
19    capacity, the employee of the district  
20    hold their role and is held to  
21    professional and ethical standards that  
22    students would not be.

23           Q.       So what about for  
24    student-on-student, does the district

1 have a responsibility to investigate  
2 sexual misconduct that occurs off ground  
3 but between students?

4 MS. JORDAN: Note my  
5 objection to the form of the question.  
6 You can answer.

7 THE WITNESS: I honestly  
8 don't know. I would tell you I  
9 wouldn't think that we could be held  
10 responsible for things that are  
11 happening off ground and off property.  
12 But I do know that if our students  
13 need support, we would step in and  
14 support and assist in an investigation  
15 that, in my opinion, off grounds would  
16 happen by virtue of police and, and  
17 professional authorities.

18 BY MS. LAUGHLIN:

19 Q. Okay. The third incident  
20 that you can remember with staff  
21 involving a student, tell me what you  
22 remember about that.

23 A. Again, it was a high school  
24 teacher with inappropriate actions with a

1 female student. As I can recall, more  
2 verbal harassment of a sexual nature. I  
3 don't, I don't recall if it went into a  
4 situation of touching but very definitely  
5 some verbal interactions and what, what  
6 are obviously inappropriate ethical  
7 behaviors for a teacher. Calling out  
8 characteristics on a female student and  
9 things of that nature and having private  
10 conversations with a student. And again,  
11 you know, that led, that led to,  
12 obviously, the investigation and the  
13 staff member -- the removal of the staff  
14 member.

15 Q. Were you involved in that  
16 investigation?

17 A. Yes, I was.

18 Q. Can you estimate for me the  
19 timeframe on when that incident occurred?

20 A. Might have been 2015 or  
21 2016.

22 Q. Okay. Do you recall who the  
23 principal was of the high school at that  
24 time?

1           A.     I would venture to say that  
2     it might have been Dr. Bauer, given the  
3     timeframe.

4           Q.     Do you recall being involved  
5     in the -- do you recall what your role  
6     was in the investigative process compared  
7     to Dr. Bauer's or anybody else that may  
8     have been involved administratively in  
9     that investigation?

10          A.     Again, you know, overseeing  
11     the investigation that was done with the  
12     student and the staff member, direct  
13     interactions with the staff member with  
14     regard to the behaviors demonstrated  
15     towards the student and then disciplinary  
16     action taken against the, the staff  
17     member, meetings with the staff member  
18     and the union representation at the time  
19     and the superintendant.

20          Q.     Was that teacher terminated;  
21     do you know?

22          A.     I, I don't recall if the  
23     teacher was terminated or if there was a  
24     resignation in that situation.

1           Q.     The teacher in the second  
2 instance, with the teacher of special  
3 education, do you recall what he did  
4 after leaving the school district's  
5 employment?

6           A.     I do not.

7           Q.     Like, for instance, do you  
8 know whether he became a teacher again?

9           A.     I do not.

10          Q.     Are there any other  
11 instances of teacher-on-student sexual  
12 misconduct that you can recall from your  
13 time at the district?

14          A.     Not that I can recall. I  
15 mean, those -- the three that I shared  
16 have stood out.

17          Q.     Other than the incident  
18 occurring in 2014/2015 school year that  
19 we're here to talk about today, do you  
20 recall other instances of student  
21 misconduct at -- in the district during  
22 your tenure?

23          A.     Not that I can put names to  
24 or, you know, that I would have details

1 or information for, no.

2 Q. Do you recall an incident or  
3 incidents at North Penn High School  
4 involving a Dropbox of nude images of  
5 students?

6 A. I recall hearing, hearing  
7 about it through, you know,  
8 administrative discussions, but nothing  
9 that was raised to complaint level or, or  
10 concern that brought it to me, as Title  
11 IX or the director of HR.

12 Q. What do you recall hearing?  
13 Even if it wasn't, like, in a -- you said  
14 it wasn't, like, a formal complaint, what  
15 do you recall hearing about that  
16 situation?

17 A. Just that the administration  
18 at the high school were dealing with that  
19 situation.

20 Q. Do you recall what the  
21 situation was?

22 A. Nothing, nothing more than  
23 what you just said; pictures in a  
24 Dropbox.



1           Q.     It's my understanding  
2     that -- and maybe this will help refresh  
3     your recollection a little bit -- it's my  
4     understanding that there was a  
5     circulation among students of nude  
6     student images at the high school that  
7     were being circulated among students at  
8     North Penn High School through a Dropbox  
9     and were being shared of, you know, nude  
10    student images compiled that were being  
11    passed along of students at the high  
12    school.

13                   Does that help refresh your  
14    memory as to what was going on or what  
15    you may have been told about that  
16    situation?

17           A.     It does not. I mean, what  
18    you're saying, in the -- yes, I was  
19    aware, but that's about the extent of it.

20           Q.     As far as you're aware, do  
21    you know who was handling that  
22    investigation, if there was an  
23    investigation?

24           A.     As I said, I believe the

1 high school administration with the  
2 director of secondary or the assistant  
3 superintendant, superintendant.

4 Q. Okay. Do you know whether a  
5 situation like that, whether that's under  
6 the umbrella of Title IX for the  
7 district?

8 A. I would guess it would be.

9 Q. If -- I know, before, you  
10 had told me that there was, like, a  
11 practice in place or your expectation was  
12 that all, like, student-on-student sexual  
13 misconduct would be, like, reported to  
14 you. Do you know whether something like  
15 this, that I just described, the nude  
16 images of students in a Dropbox being  
17 shared by students around the high  
18 school, whether that's something that you  
19 would also expect to be notified of in  
20 terms of your rule in Title IX?

21 A. You know, I would, I would  
22 imagine that would be dependant on the  
23 times and places that it was shared, were  
24 the authorities involved, was it already

1 being dealt with, were there appropriate  
2 supports in place. So, I would imagine  
3 that that would predicate whether or not  
4 the administration would share that goal  
5 with, with me.

6 Q. Do you know how you became  
7 aware of it?

8 A. I think I just mentioned  
9 that I -- in the periphery of  
10 conversations with administrators.

11 Q. Just kind of, like, in  
12 passing, or was there a specific meeting  
13 to discuss that?

14 A. It was kind of in passing,  
15 if I'm recalling correctly, that it was  
16 just something that the high school  
17 administrators were doing. Again, you  
18 know, as administrators, there is an  
19 element of confidentiality in the  
20 district. Sometimes, you know, that  
21 would preclude us from knowing everything  
22 that was happening across all levels.

23 Q. As you as the director of HR  
24 and Title IX coordinator, is there some

1 type of level of confidentiality that  
2 you're not privy too in terms of Title IX  
3 issues?

4 A. I don't believe so. I  
5 wouldn't think so. But again, if it was  
6 thought that it was being dealt with and  
7 the authorities were involved and it was  
8 student-to-student, a judgment that it  
9 was being taken care of and it wouldn't  
10 have needed to be reported might have  
11 been what was occurring at the time.

12 Q. Like, a judgment from the,  
13 the principal or something like that at  
14 the, the building level?

15 A. The building level or the  
16 director level.

17 Q. Do you know whether that's  
18 what occurred here?

19 A. I don't.

20 Q. Okay.

21 A. I barely remember, you know,  
22 what's happening. Honestly, you're  
23 jogging a memory of having heard of  
24 things. But I don't -- I wouldn't, I

1 wouldn't assume to know the  
2 decision-making process from someone  
3 else.

4 Q. Okay.

5 MS. LAUGHLIN: Let's go off  
6 the record for one second.

7 - - -

8 (A recess occurred from 1:38  
9 p.m. to 2:03 p.m.)

10 - - -

11 THE WITNESS: I think, in  
12 reference to one of the situations, I  
13 misspoke and thought it was the band  
14 director. But as I'm thinking about  
15 it, it was actually through the ROTC  
16 program. So, still cocurricular in  
17 nature, but different area, different,  
18 you know, different responsibility in  
19 terms of the content and the  
20 curriculum. So I just didn't want  
21 that to be on the record as a band  
22 director when, actually, it was  
23 ROTC -- was in the ROTC program and  
24 one of the instructors there.

1 BY MS. LAUGHLIN:

2 Q. Okay. And thanks for  
3 clarifying that.

4 And just for the record,  
5 before we had -- or, right when we had  
6 come back from our break, before that  
7 part of the record that Dr. McCue had  
8 just stated, she had asked if she could  
9 make a point of clarification after  
10 reflecting on, over the break or  
11 whatever, and so that's what that  
12 additional information was, and thank you  
13 for doing that.

14 A. Of course.

15 Q. For clarifying that.

16 Generally, do you know,  
17 like, what the definition of sexual  
18 harassment is under Title IX?

19 A. I believe so. Could I  
20 recite it to you, probably not, but --

21 Q. I'm asking, like, what, what  
22 your understanding -- like, what's the  
23 definition of sexual misconduct, if  
24 you -- you're able to do that.

1           A.     I think it's, you know,  
2     unwelcomed (sic) touching or interactions  
3     that would violate a person, you know,  
4     that creates great discomfort for the  
5     individual and, you know, can be from a  
6     level of being made to feel, you know,  
7     uncomfortable all the way through having,  
8     you know, a physical violation and being  
9     assaulted.

10           Q.     Okay. Have you heard the  
11     term 'hostile education environment'  
12     before?

13           A.     I have. I have. So, you  
14     know, we look at things through, like,  
15     the, the power differential mode as well  
16     as, you know, hostile environments or  
17     through aspects of retaliation as well.

18           Q.     Do you know what -- sorry, I  
19     didn't mean to cut you off.

20           A.     No, go ahead.

21           Q.     Do you know, is there, like,  
22     a definition under Title IX, in terms of  
23     students, of what a hostile education  
24     environment is?

1           A.     I, I don't remember. It's  
2     been a while since I've had to work with,  
3     with the statutes and things. I honestly  
4     don't, don't remember.

5           Q.     Do you know whether, when  
6     you were in the role in 2014 to 2018,  
7     whether you had an understanding of what,  
8     like, constitutes a hostile education  
9     environment or what the definition was at  
10    that time?

11          A.     I'm sure I did. You know,  
12    when you're working with it daily, you  
13    know, and it falls within your, your  
14    realm, I would imagine I did, yes.

15          Q.     Okay. Do you know what  
16    types of things, like, would constitute a  
17    hostile education environment for a  
18    student?

19          A.     I think what we're talking  
20    about here is, really, having an  
21    environment where students can feel  
22    comfortable, can feel as they are  
23    contributing members of the environment,  
24    are able to learn at their best without



1 feeling inhibited or threatened in any  
2 way.

3 Q. And so are you saying, if  
4 those things are not present, it can be a  
5 hostile education environment?

6 A. Yes.

7 Q. Those were all positive  
8 things that you were saying.

9 A. Right. So the, so the  
10 adverse would be -- would constitute an  
11 environment of hostility.

12 Q. Okay. We talked a bit  
13 before the break about documentation and  
14 things like that that the district keeps  
15 on student misconduct and just a couple  
16 follow-up questions to that is, do you  
17 know whether the district or whether it's  
18 in your role or some other role has a  
19 responsibility to look for patterns of  
20 misconduct for a student?

21 A. For an individual student or  
22 behaviors across, across the board?

23 Q. Well I guess -- well, I'll  
24 separate them as two separate questions.

1 The first one for an individual student.

2 A. Yes, I believe so.

3 Q. And how is that implemented  
4 or done?

5 A. I believe through the  
6 recordkeeping at the building level,  
7 through constant interactions with  
8 guidance counselors, who have a  
9 responsibility to all students during  
10 the, during the tenure that they're in a  
11 building, as well as -- associated with  
12 students and might be witnessing or  
13 helping the students deal with, you know,  
14 behaviors.

15 Q. So I know you talked about,  
16 before, how, like, building to building,  
17 there would be, like, meetings when  
18 students are going from the elementary  
19 school to the middle school level, from  
20 the middle school level to the high  
21 school level, and it would be -- would  
22 you agree with me it's up to, like, the  
23 guidance counselors to raise issues on a  
24 particular student to inform the next

1 level?

2 A. Yes. I believe the guidance  
3 counselors are the representing  
4 individuals who share the academics and  
5 records from students.

6 Q. Is the guidance counselor --  
7 so when I think of guidance counselor, I  
8 think of somebody that, like, if a  
9 student had a emotional issue or whatever  
10 kind of issue, they would go to the  
11 guidance counselor, and the guidance  
12 counselor would then be familiar with  
13 that student. But is there -- in North  
14 Penn School District, are the guidance  
15 counselor familiar with, like, all of the  
16 students, or how -- I mean, how, I guess,  
17 do they know about stuff like that?

18 A. Yeah. I think they are, you  
19 know, obviously most familiar with the  
20 students with whom they deal with a daily  
21 basis. But in our elementary buildings,  
22 I think the principals, the guidance  
23 counselors, they do get to know all of  
24 the students throughout, you know, the

1 time in the, in the buildings, and then  
2 they also have the staff members who are  
3 liaisons to a student. So if it's not a  
4 student who they're seeing on a regular  
5 basis, but a staff member might have  
6 concern or issues, the staff member is  
7 going to talk to the guidance counselor,  
8 the principal to, you know, to inform the  
9 guidance counselor that this might be a  
10 student you want to see, and whether it's  
11 one interaction or multiple interactions,  
12 I do believe they have a pulse and a  
13 handle on the students in the building.

14 Q. Is that a verbal discussion  
15 between the two levels that would occur,  
16 or is there anything in writing to show  
17 what was discussed?

18 A. I believe that it is a  
19 meeting that happens and it might also  
20 include teachers from, the building. So,  
21 for example, you know, at that, at that  
22 transition from sixth to seventh grade,  
23 there were times where sixth grade  
24 teachers would meet with the seventh

1 grade transition team and the guidance  
2 counselor. You know, it, it, it all  
3 depends on what was available in the --  
4 in -- at that time, you know, in the  
5 process, who was, who was determining  
6 that. But essentially, it was a meeting  
7 where they were talking about case loads  
8 and students and academics as they  
9 transition the students from one level to  
10 the next. So, it was a verbal meeting.  
11 People receiving the students most likely  
12 were taking notes about the students, but  
13 yet they wouldn't have necessarily known,  
14 you know, who their students were at that  
15 time, because those meetings typically  
16 happened in, you know, at the end of May  
17 each year as students are moving up to  
18 the next level.

19 Q. Do you know whether notes  
20 are actually taken at those meetings on  
21 information they receive on students?

22 A. I've seen them being taken.  
23 I can't say everyone does. You know,  
24 they have a list of students, and they're

1 sharing information, they're sharing  
2 files, and if there are nuances of, of  
3 things about a student that they need to  
4 know to better help educate and interact  
5 with them, yes, they might be taking  
6 notes.

7 Q. Is there any, like, practice  
8 or policy of the district to document  
9 those transactions, conversations?

10 A. I don't believe there's a  
11 requirement, but there's a support from  
12 the district to make it happen because  
13 substitutes are provided in the buildings  
14 or release time from responsibilities are  
15 provided so that we can make that happen  
16 for smooth transitions for students.

17 Q. Meaning, like, make it  
18 happen, the timing for them to be able to  
19 meet?

20 A. Yes.

21 Q. Okay.

22 A. Yes. And I'm -- you know,  
23 I'm speaking from sixth to seventh. I do  
24 assume that it does take place again from

1 middle school to high school.

2 Specifically, I know that it happens for  
3 our special education students at that  
4 secondary level by virtue of their IEPs.  
5 I don't know what form of --

6 Q. Okay.

7 A. -- again, if it's happening  
8 across the board from middle schools to  
9 high school.

10 Q. Okay. Do you have an  
11 estimate of how many -- I know we talked  
12 about how many, like, teachers and staff  
13 are in the district, but do you have an  
14 understanding of how many students, like,  
15 just an estimate from, let's say the 13  
16 elementary schools, do you know how many  
17 students are at that level?

18 A. Yes.

19 Q. (Inaudible.)

20 A. Yeah. I think I indicated  
21 earlier, it was about 6,500 students at  
22 the elementary level.

23 Q. What about middle school?

24 A. I believe that would fall in

1 around 3,000 to 3,200, maybe a little bit  
2 more, depending on, you know, the year,  
3 and obviously we're talking about early  
4 2020, when I knew, because I don't know  
5 the enrollment in the district at this  
6 point in time.

7 Q. Right. And I can really  
8 only ask you about what you --

9 A. Yup.

10 Q. -- what you know about from  
11 then.

12 Now, that number you just  
13 gave me for middle school, is that each  
14 middle school or, out of all three,  
15 that's the total?

16 A. All three is the total.  
17 There was one larger middle school that  
18 was typically around 1,200 students, and  
19 then the other two middle schools usually  
20 rested around, you know, 800 to 900  
21 students, sometimes 1,000. So that's  
22 what I'm saying, it's roughly 6,500 at  
23 the elementary, another 3,000, 3,200 at  
24 the middle level and then upwards of



1     3,200 or so at the high school level.  
2     The sum total, when I was in the  
3     district, we rested around 13,000  
4     students.

5             Q.     So you were the Title IX for  
6     the 13,000 students in the district,  
7     then; is that right?

8             A.     That's right.

9             Q.     Okay.

10            A.     Yup.

11            Q.     I know we just talked about  
12     these meetings that might occur between  
13     teachers and guidance counselors with  
14     students moving up to the next level of  
15     education, in terms of schooling, what  
16     about in terms of recordkeeping at the  
17     district level or in any capacity like  
18     that, documentation in files, is there a  
19     responsibility for the district to look  
20     for patterns of student sexual  
21     misconduct?

22                    MS. JORDAN:   Note my  
23     objection to the form of the question.  
24                    You can answer.

1                   THE WITNESS: I believe that  
2           the directors at the appropriate  
3           levels, whether it's elementary or  
4           secondary or cross-special education,  
5           do review and take a look at those  
6           kinds of things through the state  
7           reporting data that happens for  
8           students on a yearly basis with  
9           regards to, you know, discipline and  
10          interactions of that nature. So there  
11          is a handle and a pulse on the kind of  
12          things that are being reported and  
13          being dealt with.

14 BY MS. LAUGHLINE:

15               Q.       So you're saying, like, on  
16          the annual review for state reporting  
17          requirement, that's when the different  
18          directors at the different levels would  
19          be looking into something like that?

20               A.       I believe so.

21               Q.       Is there any policy or  
22          practice that you put into place as  
23          director of HR or Title IX coordinator  
24          that instructed them to look into these

1 things on a more frequent basis?

2 A. No. I don't believe so.

3 Q. When you say that annually  
4 it would be done for state reporting  
5 data, what exactly do you mean?

6 A. There were reports that were  
7 required of the district with regard to  
8 behavioral infractions and levels of  
9 discipline that building level principals  
10 were required to report on, and I believe  
11 that sparked the conversation about  
12 trending data and numbers of suspensions,  
13 causes for suspensions and the like. So  
14 that -- at that time -- those times were  
15 opportunities for them to review  
16 information with regards to students,  
17 supports for students, education  
18 surrounding students to avoid those kinds  
19 of things, positive behavior plans put in  
20 place, things of that nature across the  
21 district in the different levels to  
22 address some of the trends that they were  
23 seeing at the time.

24 Q. Would you agree with me, in

1 order to review that information that  
2 might be in the district's system, that  
3 the information that's input into that  
4 system would have to be accurate?

5 A. Yes.

6 Q. You think that's important,  
7 for the information to be accurate, to  
8 have an understanding of whether there is  
9 a pattern of misconduct --

10 A. Yes.

11 Q. -- with students in the  
12 school?

13 A. It absolutely does need to  
14 be accurate.

15 Q. The state reporting data,  
16 was there a certain period of time that  
17 the directors -- the different point  
18 people, like the director of education or  
19 the elementary level or special  
20 education, that they started taking on  
21 that role?

22 A. I don't, I don't know. I  
23 don't recall.

24 Q. Did you ever have that role

1 at any point, to compile that data?

2 A. It, it was working -- it was  
3 not compiling the data. It was working  
4 through and having discussions with the  
5 elementary team in some of our meetings  
6 regarding the data that they were  
7 reporting to the state.

8 Q. And what, what do you mean  
9 with that?

10 A. I mean that we were talking  
11 about the levels of infractions, the  
12 numbers and having discussion in our  
13 principal group among the 13 elementary  
14 schools.

15 Q. Why were you doing that?

16 A. Because it was a practice  
17 that was able to create improvement  
18 opportunities for us, to know what we  
19 were doing, to take a look at the data  
20 metrics regarding our student's behavior  
21 and take a look at if we needed to adjust  
22 things.

23 Q. Can you estimate for me when  
24 this took place?

1           A.     It typically took place in  
2     June and July of each school year through  
3     our principal meetings, when the reports  
4     were being completed.

5           Q.     Was it the principals who  
6     are kind of compiling the data from their  
7     school and then passing it along to the  
8     next level?

9           A.     The principals were  
10    compiling the data for the schools and  
11    entering it, and then we would have  
12    discussion at our level, so yeah. I can  
13    only, again, speak for the elementary. I  
14    would venture to say that there was a  
15    similar practice at the secondary because  
16    the state report is the state report and  
17    was required.

18          Q.     Is the state report  
19    something separate from reporting to the  
20    Office of Civil Rights?

21          A.     Yes, I believe so.

22          Q.     Okay. What's -- what is the  
23    difference between the two, do you know  
24    where, like, the state report goes

1 compared to the Office of Civil Rights'  
2 reports?

3 A. I don't recall. We did have  
4 one of our other administrators who would  
5 be responsible for registering the, the  
6 disciplinary reports through the  
7 Commonwealth or at the state level. So I  
8 don't, I don't recall.

9 Q. What about in terms of for  
10 the Office of Civil Rights, do you know  
11 whether there was a point person who was  
12 inputting all of that data?

13 A. I do not.

14 Q. Do you have any knowledge of  
15 how that's compiled through the Office of  
16 Civil Rights, reporting and documentation  
17 and things like that?

18 A. I do not.

19 Q. If the principal's are the  
20 one inputting the information in terms of  
21 the state reporting requirements, what  
22 training or instruction did they get, if  
23 you know, about how to categorize and  
24 input this data?

1           A.       Much to the point about  
2 accuracy, there were discussions and  
3 meetings and trainings in terms of how to  
4 interpret the discipline policy at the  
5 district, how to interpret the levels of  
6 infractions, what would constitute  
7 through case studies and specific  
8 examples, what constitutes something  
9 being level -- at a level one, a level  
10 two, a level three so that we had  
11 consistency, a validity and reliability  
12 in the way that people were analyzing  
13 situations and, and assigning discipline  
14 to them and interpreting them. So that  
15 brought greater consistency to the way  
16 the 13 individuals were reporting.

17           Q.       Who did, who did that  
18 instruction for the principals?

19           A.       As I recall, when I was in  
20 the role of director of elementary, I did  
21 it with the principals.

22           Q.       And do you recall any, like,  
23 did you have any, like, actual  
24 documentation you were giving them in



1     that training, or can you recall any  
2     details about the training?

3             A.     Yes.  We -- as I indicated  
4     to you, we went through case studies.  So  
5     we took samples from each of the  
6     buildings, analyzed them, did  
7     interpretation of the behaviors based on  
8     the information that was provided in the  
9     case study and then cross-reference where  
10    we would assign the discipline, what  
11    supports would be put in place for the  
12    students who were involved in the  
13    incidences and then ultimately how we  
14    would register on the scale of discipline  
15    and -- within the behavior code that then  
16    got registered to the state level, so  
17    that a suspension in one building was  
18    looking like a suspension in another  
19    building and in another building, based  
20    on the behavior, so that there was  
21    consistency in the behaviors and students  
22    were treated similarly across the board  
23    regardless of what building they were in.

24            Q.     Were you doing that, like,

1 on an annual basis at the end of the  
2 year?

3 A. Yes, we did.

4 Q. When you say --

5 A. Because we would have new  
6 members joining our team, principals --  
7 would leave, and much like English  
8 teachers grading a paper and wanting to  
9 have consistency upon the grade that they  
10 provide across different sections, we  
11 always wanted to provide consistent  
12 levels of leadership and response to  
13 behaviors across the board. So it would  
14 become part of elementary principals  
15 meetings.

16 Q. Okay. Once you moved up to  
17 the director of human resources, were you  
18 still involved in that training of  
19 principals, like you just described?

20 A. Specific to discipline, no.

21 Q. In terms of, like,  
22 categorizing and documenting properly and  
23 all of that?

24 A. Beyond what I reference

1 earlier, in terms of providing support to  
2 the district solicitor and presentations  
3 to the entire administrative team with  
4 regard to investigations and  
5 documentation, no, I wasn't involved in  
6 setting expectations for the elementary  
7 principals. That would have gone to the  
8 new director.

9 Q. Do you recall ever -- the  
10 training that you're talking about, in  
11 terms of proper documentation in  
12 categorizing, you know, level one -- I  
13 think it's one through four, is that  
14 right, does that sound familiar?

15 A. It does.

16 Q. Do you recall ever training  
17 Bill Bowen, the principal of Gwynedd  
18 Square, on those issues?

19 A. I believe Bill would have  
20 been present in our meetings.

21 Q. Do you recall, like, whether  
22 it was during that timeframe? I know you  
23 said Bill had come at a later point and  
24 there was a gap in the principals and

1 stuff like that. Do you --

2 A. Yes.

3 Q. -- recall whether --

4 A. Yes.

5 Q. -- Bill had actually been in  
6 part of the training that you were  
7 talking about?

8 A. As we indicated, there were  
9 opportunities every year to review the  
10 training, to review case studies, to make  
11 sure that, you know, what was being  
12 appraised was the same. So, again, as I  
13 indicated, I believe Bill was present in  
14 those meetings and would have been a part  
15 of that process with us, yes.

16 Q. What you described as kind  
17 of, like, providing information to them  
18 and going over case studies and things,  
19 was there any kind of testing to ensure  
20 that the principals were inputting things  
21 correctly and documenting and  
22 categorizing things correctly?

23 A. I think, in the training  
24 that we provided, there was hands-on

1 appraisal of commonality when they were  
2 going through the case studies. So, you  
3 group them by fours and you have them  
4 looking at a case study and four of their  
5 reactions are the same and they would  
6 rate it and level it the same and apply  
7 the same level of discipline, view it the  
8 same, then you've got consistency. And  
9 then they go back to the building, and  
10 you can be assured that they're going to  
11 be interpreting and reading things the  
12 same way and inputting the data in a  
13 similar manner. So, in terms of  
14 assessing, it happened during the  
15 training so that everyone was on the same  
16 page in understanding how to view things.  
17 And then coming back, on a data aspect,  
18 when the reports were filed, there were  
19 lenses of comparisons in terms of the  
20 numbers of cases reported at varying  
21 building and constituting those and, you  
22 know, students are given a number,  
23 because on the report you're not  
24 numbering students, but -- so everything

1 that was chronicled could be validated  
2 and substantiated, based on what they had  
3 done throughout the year. So from that  
4 lens, there was consistency and I guess a  
5 check on what we're doing. A formal  
6 assessment, I don't, I don't think that  
7 that happened.

8 Q. Was there any process in  
9 place from, like, the district level,  
10 like administration, I guess, kind of the  
11 higher-ups, to track student misconduct,  
12 sexual misconduct, for a student?

13 A. Formal process, I don't  
14 know.

15 Q. What about, like, an  
16 informal process? Like, when you were HR  
17 director and director of Title IX, Title  
18 IX coordinator, did you have any process  
19 that you went through to check to see if  
20 there was a pattern of sexual misconduct  
21 for a particular student?

22 A. Again, as I shared earlier,  
23 the cases were so few and far between  
24 that you knew the students, you knew the

1 names, just like I, as the director of  
2 human resources, knew the names of the  
3 employees and faculty members that were  
4 involved in concerning behavior that I  
5 dealt with. So, it was never so  
6 voluminous that separate recordkeeping  
7 processes were put in place, that I know  
8 of.

9 Q. What about for, for [REDACTED]  
10 [REDACTED] were you aware -- I know you were  
11 involved in the fifth grade incidents --  
12 but were you aware of the incidents, for  
13 example, of sexual misconduct in middle  
14 school with him?

15 A. I was not.

16 Q. What about at the high  
17 school level, in tenth grade, were you  
18 aware of sexual misconduct allegations  
19 against him then?

20 A. No, I was not.

21 Q. Is this the first time that  
22 you're hearing of that, middle school and  
23 high school?

24 A. Yes, in terms of the middle

1 school. In terms of the high school,  
2 what I heard was that there was a  
3 scheduling glitch where the two students  
4 were mis-scheduled into the same class.  
5 But that was the extent of my knowledge  
6 of, of what occurred.

7 Q. Did you -- well, I guess,  
8 let me just clarify. In the tenth grade  
9 incident, in addition to them being  
10 scheduled in the wrong class, did you  
11 hear that -- or, did you -- were you  
12 aware that there were incidents where  
13 [REDACTED] had allegedly sexually  
14 inappropriately touched [REDACTED] in that  
15 class?

16 A. No, I was not.

17 Q. Now you said that, you know,  
18 the way that you track these students  
19 that have repeated issues of sexual  
20 misconduct is because it doesn't happen  
21 very often, so you know who these  
22 students are, right?

23 A. I believe so, yes.

24 Q. You would agree with me,



1     though, that, that you weren't aware of  
2     the incidents after fifth grade and --  
3     sixth grade involving [REDACTED] [REDACTED] is  
4     that correct?

5             A.     That's correct.

6             Q.     Was there any process in  
7     place, other than, like you described,  
8     knowing about it, to have tracked that  
9     there were allegations in elementary  
10    school, middle school and high school  
11    level with the same student?

12            A.     I don't know.

13            Q.     Well what about -- I mean,  
14    for you, for the HR director, do you know  
15    whether there was anything that existed  
16    in terms of the district and checking for  
17    those things?

18            A.     Again, I don't know.

19            Q.     Okay. So you weren't aware  
20    of any, then; is that right?

21            A.     Not that I was aware or that  
22    I knew.

23            Q.     As the director of HR/Title  
24    IX coordinator, was that part of your

1 responsibility, to be either implementing  
2 things or tracking in some way repeated  
3 student sexual misconduct?

4 MS. JORDAN: Note my  
5 objection to the form of the question.  
6 You can answer.

7 THE WITNESS: I don't know.

8 BY MS. LAUGHLIN:

9 Q. Do you know whether that  
10 fell to somebody else, somebody else's  
11 responsibility in the district?

12 A. Responsible for, what?

13 Q. For tracking student sexual  
14 misconduct when you have a repeated  
15 student that's, that's sexually  
16 inappropriately, like touching students.

17 MS. JORDAN: Note my  
18 objection to the form of the question.  
19 You can answer.

20 THE WITNESS: I would  
21 imagine. I guess, I would think, that  
22 it would be within the purview of the  
23 administrators dealing with that  
24 student, be tracking and dealing with

1 the behavior.

2 BY MS. LAUGHLIN:

3 Q. When you say administrators  
4 dealing with that student, what do you  
5 mean?

6 A. Administrators at the  
7 building level. If it secondary, you're  
8 talking about the assistant principals  
9 and principals. You know, perhaps  
10 guidance counselors are made aware of it  
11 at times. Elementary, obviously, the  
12 principal because they don't function  
13 with assistant principals.

14 Q. So as a student moves  
15 through the system and, obviously, then  
16 the building principal or assistant  
17 principal is going to change as they move  
18 up, is there anybody who you know who has  
19 the responsibility at the district level  
20 to see continuity across, you know, as  
21 the student moves up in their educational  
22 course, that's keeping track of that?

23 A. Well, I don't, I don't know  
24 that, other than what I've shared with

1     you previously about transition meetings  
2     that occur between levels --

3             Q.     Okay.

4             A.     -- with the individuals who  
5     are responsible for the students at the  
6     time and having access to the folders  
7     that should provide cumulative  
8     information, as we've discussed.

9             Q.     Okay. You said that -- I  
10    believe you said that as your role, from  
11    2014 to 2018, that part of that would be  
12    about how to, like, document discipline  
13    and things like that in files, is that  
14    right, some of the guidance you'd be  
15    giving?

16            A.     Guidance in terms of the  
17    investigation and how they were  
18    proceeding through responses, yes.

19            Q.     What about in terms of after  
20    the investigation is concluded and  
21    documentation of discipline for a student  
22    is going to be put in a student's file,  
23    did you have any involvement in, like --  
24    or, did you ever train anybody or offer

1 guidance on how it'd actually be  
2 documented in a student's disciplinary  
3 file?

4 A. Nope. Not beyond what was  
5 included in the investigation  
6 presentation, with having the  
7 documentation and maintaining it in a  
8 separate file for a student.

9 Q. For example, I guess let me  
10 ask this specifically, in a situation  
11 like [REDACTED] [REDACTED] who -- were you aware,  
12 I guess, that there were multiple  
13 students who had alleged [REDACTED] [REDACTED] had  
14 sexually inappropriately touched them at  
15 Gwynedd Square Elementary School?

16 MS. JORDAN: Note my  
17 objection to the form of the question.  
18 You can answer.

19 THE WITNESS: I don't  
20 recall.

21 BY MS. LAUGHLIN:

22 Q. In a situation where there  
23 is multiple victims in a case like the  
24 scenario I just described, do you know

1 whether principals that are inputting the  
2 information into student's disciplinary  
3 record, whether multiple victims should  
4 all be lumped together in one incident,  
5 or is it -- should it be documented  
6 separately?

7 A. I don't know.

8 Q. Are you familiar with -- I  
9 know we talked about the four different  
10 levels of misconduct for students. Do  
11 you know whether that's just at the  
12 elementary school level, that it's the  
13 four levels?

14 A. No, I don't. I've been away  
15 from it for too long; I can't comment.

16 Q. Are you familiar with  
17 distinguishing misconduct, misconduct of  
18 students between teachers and minors?

19 A. Based on interpretation?  
20 I'm not sure I understand the full scope  
21 of the question.

22 Q. Are you familiar at all  
23 with, at the elementary level, discipline  
24 of students or the misconduct of students

1 being referred to, like, major versus  
2 minor, have you ever heard that  
3 terminology before?

4 A. I don't believe so, no. We  
5 had, we had the infractions distributed  
6 across the levels, and we would work on,  
7 you know, where they fell within, within  
8 that.

9 Q. Like, for example, in the  
10 deposition of Bill Bowen, the principal  
11 of Gwynedd Square, he was talking about  
12 that the teachers were instructed to  
13 separate things between major incidents  
14 and minor incidents, and three minor  
15 incidents equaled a major incident. Does  
16 that sound familiar at all?

17 A. It might have been a method  
18 that he was using, you know, to scope at  
19 his building, and principals might use  
20 that. I think, where we would typically  
21 differentiate more minor issues, would be  
22 classroom issues with students talking  
23 out. You know, if they're dealing with  
24 something, you know, on occasion with a

1 student in that way, that's absolutely  
2 behavior that would be of a level that a  
3 teacher could deal with. It wouldn't be  
4 an office referral. So that might be the  
5 context under which people are isolating  
6 minor behavior. But I think best  
7 practice is to utilize the misconduct  
8 framework, the table that identifies the  
9 specific behaviors and associates them to  
10 a level, because then you have the  
11 consistency across leadership and across  
12 for the reporting mechanisms to best do  
13 it. So, I can't speak to what Mr. Bowen  
14 might have been doing in his building  
15 more recently, as I was the director of  
16 HR and didn't have immediate  
17 responsibility for him.

18 Q. But as far as you're aware,  
19 because you were -- before that, you were  
20 the director of elementary education --

21 A. Correct.

22 Q. -- and so you are familiar  
23 with that model of, you know, minor --  
24 three minors equal a major or anything



1     like that, right?

2             A.     We -- no, would not have had  
3     three minors and a major in place,  
4     because behaviors could be completely  
5     different. It could be three different  
6     minor behaviors that then -- that, that  
7     would not equate in my mind to sound  
8     practice. So I, I, I can't speak to what  
9     he might have instituted with his staff  
10    members, you know, committee framework or  
11    whatever that they felt was appropriate  
12    in that realm. Again, it's not something  
13    that I'm familiar with.

14            Q.     Did the elementary school  
15    principals of the district have the  
16    discretion or authority to implement  
17    their own misconduct system for students?

18            A.     I believe there was an  
19    expectation for them to adhere to the  
20    district-approved disciplinary framework.

21            Q.     And that's the one through  
22    four?

23            A.     Yes.

24            Q.     Like, the little boxes that

1 go across, right?

2 A. Yes. Yes. Again, you know,  
3 interpretation might play into it at  
4 different levels, but we tried to  
5 mitigate that by having the case studies  
6 and some of the interpretation activities  
7 that we did.

8 Q. Did any of the training that  
9 you talked about these principals  
10 undergoing include specifically  
11 classification of how to -- or, like,  
12 what to classify certain behaviors by  
13 students in disciplinary files?

14 A. Can you provide me with a  
15 little more detail?

16 Q. Sure.

17 So, like, I guess in the  
18 disciplinary files of the students that  
19 the district keeps, you know, you -- the  
20 teacher or principal, whoever is  
21 inputting the data, has to put in, you  
22 know, what the misconduct was or, you  
23 know, whether it was sexual harassment or  
24 obscene gesture or something like that,

1   there's different in the student code of  
2   conduct, I guess, different things that a  
3   student can do that then they get  
4   punished for --

5           A.     Right.

6           Q.     -- is that right?

7           A.     Yes.

8           Q.     Was there any training  
9   specifically for the principals on  
10  selection of what that student conduct  
11  violation would be and how to put that  
12  in?

13          A.     That's what happened when we  
14  did the case studies.  So, you're  
15  looking -- you're hearing about what a  
16  student exhibited, the behaviors, what  
17  did those behaviors look like, did they  
18  look like tussling, pushing and shoving,  
19  or did they look like fighting, assault,  
20  punching, and that's where some of that  
21  alignment of where things would fall on  
22  the continuum of options within that four  
23  grid framework came into play.  You know,  
24  as well as, again, I'll go back and refer

1 to coursework and preparations that lead  
2 up to someone having a principal  
3 certification.

4 Q. That's, like, outside the  
5 district, they're own education and  
6 experience leading up to that point?

7 A. Required of them to be in  
8 the positions they're in, yes.

9 Q. Okay. But I guess I'm just  
10 trying to distinguish things inside the  
11 district that are trained, you know, from  
12 the district versus information that  
13 they're bringing into that role.

14 A. Yes. I mean, the framework  
15 that we've referenced is what constitutes  
16 the responses from principals.

17 Q. Okay. When there is  
18 incidents of student sexual misconduct,  
19 is there a process in place that can be  
20 implemented to make sure that other  
21 students that are going to be around,  
22 like, the perpetrating student, to make  
23 sure that they're safe in the future?

24 A. Could you repeat that?

1           Q.       Sure. I'm asking if there's  
2 any processes in place to make sure that  
3 kids are safe around the student who is  
4 perpetrating sexual misconduct on other  
5 students.

6                   Is there any process in  
7 place to make sure that children,  
8 students are safe from that person in the  
9 future?

10           A.       From my knowledge, I believe  
11 that each building administrator with a  
12 team of teachers supporting a student,  
13 put in place action plans and action  
14 steps that are specific to the behaviors  
15 being exhibited that help to mitigate  
16 them and stop them from happening in the  
17 future and keep the rest of the study  
18 body safe.

19           Q.       What about in terms of,  
20 like, so, you're talking about at that  
21 building level, but when a student, for  
22 example, goes from the elementary school  
23 to the middle school, do you know whether  
24 those implementations follow the student

1 in some capacity, or is that just based  
2 on the meeting, what the elementary  
3 shares with the middle school?

4 A. Again, it would be my  
5 expectation that it would happen in the  
6 context of the meeting, here's what  
7 worked, here's what we did, as well as  
8 documentation within the folders that are  
9 also shared from one level to the next.  
10 So people responsible for that student  
11 would have access to those folders and  
12 could be, you know, reading about the  
13 history of the student and what practices  
14 may or may not have worked.

15 Q. You were saying before,  
16 that's, that's a subfolder you were  
17 talking about in the student's file?

18 A. Yes.

19 Q. Would that also contain --  
20 and I apologize if I asked you this  
21 before -- would that also contain, like,  
22 the investigation, like, statements,  
23 things like that, I think you were saying  
24 why a certain discipline was given to a

1 student?

2 A. Yes. More than likely, it  
3 should contain the formalized letter to  
4 the student, if there was a suspension,  
5 as well as any of the supporting  
6 documents, I believe is what I had  
7 mentioned previously.

8 Q. Okay. What about if there  
9 is a juvenile adjudication, like, in  
10 terms of the DA's office, like, an  
11 alternate program they go in or something  
12 resulting from sexual misconduct at a  
13 school, is that something that the  
14 district keeps track of with students?

15 A. I don't know. I would  
16 imagine, if we were made privy to that  
17 information, we would utilize it in some  
18 way to support that student and the  
19 students with whom the student comes in  
20 contact with, but I don't know.

21 Q. Okay. Do you know, is there  
22 somebody at the -- within the district  
23 administration that would be kind of  
24 responsible or maybe more knowledgeable

1 about that?

2 A. I don't know.

3 Q. If there is an investigation  
4 for sexual misconduct of a student at,  
5 just say the elementary school, is that  
6 something -- the fact that there is a  
7 criminal adjudication -- juvenile  
8 adjudication of that student at a later  
9 date, is that something that the district  
10 would typically follow-up on, or is it,  
11 they are waiting to see whether somebody  
12 informs them of, you know, what the  
13 outcome may be?

14 A. I think that we have done  
15 both. We have followed-up, we've -- you  
16 know, in our collaborative efforts with  
17 law enforcement, we have sought to get  
18 the information that was available to us  
19 and that they would share. Beyond that,  
20 if they were unwilling or it wasn't  
21 appropriate for us to have it, we  
22 wouldn't have it.

23 Q. Do you recall -- sorry.

24 A. No, go ahead.



1           Q.     Do you recall whether there  
2     was a juvenile adjudication -- or, I  
3     guess, let me start with -- do you recall  
4     whether there was a police investigation  
5     involving [REDACTED] [REDACTED] at the Gwynedd  
6     Square level?

7           A.     I do not know.

8           Q.     Okay. Do you know whether  
9     you knew at the time and just don't  
10    recall, or you don't know at all?

11          A.     I believe the authorities  
12    were involved, I do recall that, but I  
13    don't know the outcome or to what extent  
14    they were involved.

15          Q.     In your role as Title IX  
16    coordinator and director of HR, was that  
17    something that police -- if the police  
18    were involved, that you would have  
19    followed-up on to find out the outcome of  
20    that police investigation?

21          A.     Not necessarily. That might  
22    have fallen to or been the responsibility  
23    of the director of the level and/or the  
24    principal.

1           Q.     Okay.  Like, the director of  
2 elementary education?

3           A.     Yes.

4           Q.     Or the principal of the  
5 elementary school?

6           A.     Yes.  Or perhaps even one of  
7 our assistant superintendents.

8           Q.     Okay.

9           A.     Dealing with the, dealing  
10 with the immediacy of the student, they  
11 would have followed-up on that.

12          Q.     You said the immediacy of  
13 the student.  What do you mean?

14          A.     Well, it was  
15 student-to-student.  If there was a  
16 staff, you know, a staff member involved  
17 in having violated a student, then it  
18 became more of an HR issue, and I would  
19 have probably followed it up.  But, you  
20 know, our team approach and distribution  
21 of responsibilities, I believe they would  
22 have followed-up on that.  I don't  
23 believe I did.

24          Q.     Okay.  After an

1 investigation is completed, I know we  
2 talked about, like, statements and things  
3 like that that typically should be  
4 included. Do you know whether there's,  
5 like, any type of final report done in  
6 the investigation, like, after the  
7 investigation concludes, like, a  
8 documentation of -- in some type of,  
9 like, final form?

10 A. Yes. When formal -- yes --  
11 when formal reports are filed, part of  
12 the policy and procedures are to render,  
13 you know, a summary report as to, you  
14 know, the outcome of the harassment or  
15 the discrimination.

16 Q. You say "when formal reports  
17 are filed". What do you mean?

18 A. Well, we talked earlier  
19 about the formal forms that are done. So  
20 there is, there is a component in  
21 response to that. But then, obviously,  
22 at the conclusion of, you know, any  
23 investigation, the, the details  
24 surrounding the discipline, the courses

1 of action, the action steps are found and  
2 summarized within, you know, that  
3 discipline folder, that discipline file  
4 so that there's, you know, documentation  
5 as to how things were concluded. You  
6 know, parents -- parent notifications,  
7 you know, support programs, alternate  
8 settings, whatever that might be, those  
9 are all captured within the notes from  
10 the investigation and from the  
11 disciplinary decisions made at the time.

12 Q. You said there's a summative  
13 report, like, a summary report created  
14 after the investigation's done that kind  
15 of talks about the conclusions, what was  
16 done; is that right?

17 A. In most cases, that would  
18 happen. Again, when there's, you know,  
19 that formalized report. Otherwise, all  
20 of those steps that would be found in the  
21 summary report are found in the  
22 disciplinary actions that the principals  
23 have taken or the directors have taken.

24 Q. I guess, to clarify, if

1   there's not a formal, like, request for  
2   an investigation, like that form we  
3   talked about that somebody can complete,  
4   if that doesn't happen, I think you had  
5   told us before that, like, an  
6   investigation can still happen --

7           A.     Yes.

8           Q.     -- and does happen if  
9   there's a report of sexual misconduct,  
10  right?

11          A.     Yes, mm-hmm.

12          Q.     So in those situations where  
13  there's not a formal report requesting  
14  the investigation, is there still a  
15  summation report that supposed to be  
16  created at the end of the investigation?

17          A.     Again, you know, the  
18  summation report is capturing and  
19  providing response to the persons who,  
20  you know, made the -- who filed the  
21  report in the, in the first place. So in  
22  the absence of a formalized report,  
23  people who were involved, so they alleged  
24  student, the alleged victim, they're a

1 part of the investigation. They're  
2 continued onward talking and they know  
3 the outcome. There is, there is meetings  
4 and debriefings. Whether or not a final  
5 report is filed at the building level, I  
6 don't know. I don't know what's  
7 contained within those disciplinary  
8 folders other than they've captured the  
9 steps in the process, and through those  
10 steps, that would be the summation of the  
11 actions they took and what happened.

12 Q. But I guess, is there a  
13 documentation that is the summation, or  
14 it's just only sometimes they do that,  
15 like if it's a more formal --

16 A. Yeah, I don't know.

17 Q. Okay. When there is a  
18 summation report, do you know whether  
19 that has to be given to anybody or  
20 provided to anybody or sent somewhere?

21 A. It is typically shared with  
22 the superintendant.

23 Q. When you say it's typically  
24 shared with them, is there --

1           A.     It's shared with the  
2     superintendant.

3           Q.     It is shared with the  
4     superintendant?

5           A.     It is, yes.

6           Q.     Okay.  And how is, how is  
7     that done, or how do people know to do  
8     that?

9           A.     In historical days, there  
10    was a hard copy that was shared with the  
11    superintendant.  In more recent times, it  
12    was -- in the folder, is the summation  
13    report.  So --

14          Q.     So that would be -- I  
15    apologize.  Go ahead.

16          A.     Yeah.  In my role, when I  
17    was involved in investigations, there  
18    would be information report, and it would  
19    be deposited in the folder, and Dr.  
20    Dietrich would be made aware the issue  
21    had been resolved, and there was a  
22    summation report.

23          Q.     Just to clarify, in the ones  
24    that you were involved in, the ones that

1 you had involvement, I guess, from 2014  
2 to 2018, was there always a summation  
3 report?

4 A. If we were dealing with --  
5 again, if we were dealing with employees  
6 for whom I had sole responsibility at  
7 that point, yes, there were.

8 Student-to-student, again, because of, of  
9 shared responsibility, I can't say for  
10 sure that there were always summation  
11 reports provided.

12 Q. Okay. Do you know whether  
13 there is a policy in place on how long to  
14 keep student disciplinary issues? Like,  
15 document retention, is there a particular  
16 timeframe?

17 A. You know, I could say 99  
18 years, but in all honesty, I don't  
19 recall. I know there were parameters  
20 that we did have in place, but again,  
21 with responsibility for staff members as  
22 well as in, in my past, I can't say that  
23 I recall.

24 Q. Okay. Do you have any -- I



1 mean, 99 years, that's a pretty long  
2 time. Do you have an estimate of, like,  
3 what -- like, was it, like, for the  
4 entire course of someone's career, or do  
5 you have, like, a more limited timeframe,  
6 if you can remember?

7 A. No. Typically, you would  
8 keep them through the term of the  
9 student's career in the district and then  
10 for several years, seven, ten, some, some  
11 number of years beyond. But the reason I  
12 said 99 is because, you know, you have  
13 archived records that are maintained  
14 forever, if there's not a procedure to go  
15 through and delete them, and I don't know  
16 what happened. I can't speak to that,  
17 for student records.

18 Q. Okay. Was the first time  
19 you ever had any interaction with [REDACTED]  
20 [REDACTED] when you got involved in the sixth  
21 grade incidents at Gwynedd Square?

22 A. I believe so, yes.

23 Q. What about for [REDACTED]  
24 [REDACTED] were you aware of or had any

1 interactions with [REDACTED] [REDACTED] or  
2 her family prior to the sixth grade  
3 incidents?

4 A. I don't think so. I don't  
5 recall any.

6 Q. Okay. Do you have a  
7 independent recollection of how you  
8 became involved in the incidents  
9 involving [REDACTED] [REDACTED] at Gwynedd Square?

10 A. Yes. I believe it was  
11 through the director of elementary and  
12 Mr. Bowen, either separately in pretty  
13 short order between the two or, you know,  
14 collectively on a phone call, that, that  
15 described the behavior and then would  
16 have triggered the meetings.

17 Q. Do you know why they were --  
18 like, were they -- do you know why they  
19 were contacting you, like in terms of  
20 your role as HR or in your Title IX role?

21 A. You know, I think people --  
22 in this kind of situation, I think people  
23 saw the two roles in a combined function.  
24 And so there was outreach because of the

1 situation and because it involved some  
2 concern for judgement on behalf of the  
3 staff member.

4 Q. The teacher that had  
5 apparently seen the interaction between  
6 [REDACTED] and [REDACTED]

7 A. Yes.

8 Q. Okay. Like, Holly Andrew,  
9 is that who you're referring to?

10 A. Yes.

11 Q. And we'll go through the  
12 notes in detail, because were they your  
13 handwritten notes, the -- I guess I'll  
14 ask you -- the notes.

15 Do you recall specifically  
16 what your involvement was in that whole  
17 investigation, whether it was from the  
18 student level or the, the employee level?

19 A. I think they were  
20 intertwined. So again, in terms of  
21 directing the, the questions and the  
22 investigation of the student, there was  
23 some collaborative discussion between Dr.  
24 Santoro and Mr. Bowen and myself and then

1 primary responsibility and role in terms  
2 of the meetings with the staff member and  
3 determining levels of concern or issue  
4 with performance at that point.

5 Q. Okay. Do you recall any  
6 discussions about different students  
7 being interviewed, like, the alleged  
8 victims in this situation?

9 A. Yes. That would have been  
10 protocol.

11 Q. Do you know -- do you recall  
12 whether, whether anybody had actually  
13 interviewed the student from the, the  
14 district level, like, setting aside  
15 Mission Kids?

16 A. I believe Mr. Bowen, as the  
17 building principal, would have interacted  
18 with the students.

19 Q. Did you -- do you recall  
20 having any conversations with Mr. Bowen,  
21 asking how that could be accomplished?

22 A. I believe there was  
23 discussion about independently meeting  
24 with students, which is protocol as well.

1 And Dr. Santoro also had those  
2 discussions. So she primarily served as  
3 his guide at that point. And I believe  
4 that some of that was already in  
5 progress, at the point of which  
6 information was shared with me.

7 Q. Like, when you --

8 A. (Inaudible.)

9 Q. Can you say that last part  
10 again.

11 A. I said, if memory serves me  
12 correctly, they had been informed of the  
13 situation and had began investigating and  
14 once hearing of the concerns, then, you  
15 know, got in touch with me.

16 Q. Do you know how long it was  
17 from when any disclosure first came to  
18 light from when you were notified?

19 A. Without my notes, no. But  
20 my notes would tell you very pointedly  
21 because everything is dated, you know, in  
22 terms of meetings, conversations, phone  
23 conversations, it should be -- all my  
24 notes should have meeting dates and

1 people in attendance.

2 Q. Okay. Do you recall having  
3 any discussions about, like, actual  
4 getting student statements? We talked  
5 before about, like, depending upon the  
6 age of the student and whether they can  
7 write a statement themselves or somebody,  
8 like, actually documenting a statement  
9 based on a conversation. Do you recall  
10 having any discussion about how that  
11 would be conducted in this investigation?

12 A. I don't. I don't have that  
13 level of specificity at hand.

14 Q. Okay. Do you know whether  
15 there were -- because I can represent to  
16 you I haven't seen any student  
17 statements, like you described, of, like,  
18 what each student said or anything. Do  
19 you know whether those exist?

20 A. I dont. If I had them, they  
21 would have been in, in a file within HR,  
22 aligned to the situation to the case. So  
23 if they were obtained and shared with me,  
24 we have them. I don't, I don't recall.

1 It might have been a situation with  
2 students were, you know, emotionally  
3 concerned or weren't able to provide  
4 them. I don't know. I don't recall.

5 Q. Would you have expected  
6 individual student's statements to have  
7 taken place, meaning, like, be created,  
8 like, the documentation of what each  
9 student's statement was?

10 A. Again, as I, as I shared,  
11 best practice and my hope would be that  
12 we could have obtained those for  
13 students. But there are a number of  
14 factors that come into play when students  
15 are not able to or in an emotional state  
16 of stability to provide that, at which  
17 point we would take notes of the  
18 interview or the questions of the  
19 meeting, and it would be scribed, it  
20 would be shared forward in a a summary  
21 format of what was indicted from student,  
22 and I believe that was ascertained  
23 through the interviews with the students.

24 Q. About the questions that

1     were asked of them and what their answers  
2     are?

3             A.     Yes, what happened.  You  
4     know, they're accounting of the situation  
5     and how things unfolded.  I believe that  
6     Dr. Bowen and/or Dr. Santoro would have  
7     had a rendering of what was told to them  
8     and what they believed to be true about  
9     the situation.

10            Q.     Okay.  But I'm saying,  
11     that's -- like, a summary of what they  
12     told them if different than, like, an  
13     actual student statement of, like, what  
14     the student -- is that right?

15            A.     Yes.

16            Q.     Okay.  I want to show you a  
17     picture on my screen.  Hold on a second.

18                    Are you able to see my  
19     screen?

20            A.     Yes.

21            Q.     Okay.  This is -- for the  
22     record, it's North Penn bates number 992,  
23     and I just want to ask you about your  
24     signature line here at the bottom.  This



1 is from -- an e-mail from June 2019 that  
2 you had sent -- I'm sorry, June 19th,  
3 2015, that you had sent. And your  
4 signature line just says you're the  
5 director of human resources, right?

6 A. That's correct.

7 Q. Did you have any other type  
8 of, like, e-mail address or signature  
9 that would identify you as the Title IX  
10 coordinator for the district?

11 A. Within our policy, I believe  
12 procedural regulations, there is a e-mail  
13 that is identified to the Title I  
14 coordinator -- or, Title IX coordinator,  
15 rather, as the director of human  
16 resources. So, that e-mail was set up  
17 and was sent by technology to be  
18 forwarded to me as the person in the  
19 role.

20 Q. When you would respond back  
21 to an e-mail received through the Title  
22 IX coordinator e-mail address, would it  
23 come from your e-mail as director of  
24 human resources?

1           A.     I can tell you that I don't  
2     ever honestly remember receiving an  
3     e-mail via that mechanism.

4           Q.     Okay. Through Title IX  
5     directly?

6           A.     There, there were very few  
7     incidences that came through, you know,  
8     formal documentation of harassment or  
9     discrimination during that time.

10          Q.     When you say formal  
11     documentation, are you referring to the  
12     forms --

13          A.     Yes. That they would use  
14     the forms, especially from a student  
15     perspective, and -- and/or that they  
16     would use the e-mail. Most times things  
17     were presented through the hierarchy or  
18     the organizational structure in the  
19     district from the immediate supervisor of  
20     the area, whether it was students or  
21     employees on up.

22          Q.     Did you have a separate --  
23     or, do you recall what the, like, e-mail  
24     address was for Title IX?

1           A.       I do not, but it is, it is  
2 listed in the then policy. I can, I can  
3 tell you it was, you know, for -- as a  
4 director of human resources, serving  
5 at -- in that capacity.

6           Q.       Was it, like, Title IX at  
7 North Penn School District, or was it,  
8 like, your name or something like that?

9           A.       I don't recall. It was  
10 published clearly in the policy and --  
11 or, the regulation that, again, was  
12 accessible online for people so that it  
13 was, it was accessible to anyone and  
14 everyone who had concerns.

15          Q.       So that was the harassment  
16 policy, is that what you're referring to?

17          A.       Yes.

18          Q.       Okay. Do you know when that  
19 changed, that the e-mail address -- do  
20 you know whether that changed, that the  
21 e-mail address at some point was removed  
22 from the policy?

23          A.       I do not.

24          Q.       I'm showing you what's been

1 marked as North Penn bates number 1016.

2 Is this your handwriting at  
3 the top of this page?

4 A. It is.

5 Q. Okay. And so, do you recall  
6 receiving this statement from Bill Bowen?

7 A. Yes.

8 Q. And at the top, it says you  
9 received it April 15th, 2015?

10 A. Yes.

11 Q. Did that give you any  
12 indication -- I know we talked before  
13 about how long it was since the incident  
14 versus, like, a disclosure was first made  
15 by when you got informed and became  
16 involved. So does this give you any  
17 indication of how long had passed between  
18 when it came to, like, at the school  
19 level versus when you got involved?

20 A. You know, I can only  
21 speculate that, based on what is said  
22 here, on the 10th, it was a Friday. So  
23 we had the 11th and 12th, which was a  
24 weekend. The 13th, they're back in

1 motion. This was received on the 15th,  
2 which would have been a Wednesday. So at  
3 some point probably within a day of me  
4 knowing that these notes would have,  
5 would have arrived. So, either that,  
6 that Tuesday or Wednesday, perhaps, maybe  
7 Monday; I don't recall. I'd have to know  
8 the comprehensiveness of the file to know  
9 that if I had any notes in there, you  
10 know, from my perspective of when I was  
11 first informed. This speaks to when I  
12 received the information from Bill Bowen.

13 Q. Okay. And was this Bill's  
14 statement that he had typed up?

15 A. Yes. I believe it was a  
16 rendering and summary of the information  
17 that he had so far and what was shared  
18 with him and when.

19 Q. Okay. And so, before he  
20 gives you this, did you have a discussion  
21 with him or Dr. Santoro to tell them what  
22 you wanted compiled or what you wanted  
23 for this investigation, like, to be  
24 provided to you?

1           A.       That would have been  
2     standard protocol, yes, to let them know  
3     that whatever they've had, whatever  
4     they've done, I needed to have copies.

5           Q.       Okay. And I just want to  
6     kind of go through this is little bit.

7           A.       Sure.

8           Q.       It states that, that, I  
9     guess, the guidance counselor, Kristen  
10    Donnelly, was contacted by a sixth grade  
11    teacher, Mrs. Delia, to address a  
12    situation with a female student  
13    identified as blank, and Mrs. Delia  
14    relayed what the student said to her and  
15    that Ms. Ruth Diver was present at the  
16    time and stated there may have been a  
17    similar incident involving the male  
18    student that occurred earlier in the  
19    year. And then the report was that, on  
20    Wednesday, April 1st, 2015, during a  
21    movie in social studies class, a male  
22    student identified as [REDACTED] [REDACTED] placed  
23    his hand on her neck and lower back.  
24    Then on Thursday, April 9th, 2015, the

1 male student, again, touched the female  
2 on the knee and under her shirt.

3 Do you recall being informed  
4 about this student that was being touched  
5 inappropriately by [REDACTED] [REDACTED] in April?

6 A. Yes. By virtue of this  
7 conversation and this notification.

8 Q. Other than this -- receiving  
9 this summary, do you recall either what  
10 Bill Bowen or Dr. Santoro had  
11 specifically told you about what was  
12 happening or what had happened?

13 A. Word-for-word, I don't. It  
14 would have been similar to what has been  
15 captured here in this summary.

16 Q. Okay. And then there's a  
17 second incident that this summary talks  
18 about and that it's in November 2014, Ms.  
19 Andrew, the other teacher, witnesses

20 [REDACTED] [REDACTED] and [REDACTED] [REDACTED]  
21 sitting together, and at one point she  
22 saw [REDACTED] hand under [REDACTED] shirt.

23 Do you recall that as well?

24 A. Do I recall the incident?

1 Q. Yeah.

2 A. I recall --

3 Q. Like, being informed of it  
4 and --

5 A. Yeah. I recall the incident  
6 being reported to us at the same time the  
7 incident in April was reported to us.

8 Q. Okay.

9 A. There had been nothing prior  
10 reported to the building principal, as I  
11 recall, or myself or the director of  
12 elementary at the time.

13 Q. Okay. With the -- do you  
14 recall off the top of your head how many  
15 students at the end had come forward to  
16 disclose that [REDACTED] had inappropriately  
17 touched them at Gwynedd Square?

18 A. No, I do not.

19 Q. On Page 1018, it says, I've  
20 contacted -- this is from Bill Bowen --  
21 I've contacted the parents of the girls  
22 to inform them that Ms. Vasile (pht)  
23 would be meeting with them. Ms. Vasile  
24 met with both of the girls and a third



1 sixth grade girl identified as, blank.  
2 She reported to Ms. Vasile that [REDACTED]  
3 touched her in the front and back of the  
4 bottom portion of her body and then, at  
5 3:30, they made calls to child line for  
6 both [REDACTED] and, blank.

7 Do you recall any  
8 discussions about the third victim coming  
9 forward about what had happened?

10 A. You know, at this point in  
11 time, I don't. At that point in time and  
12 based on these notes, I would have, I  
13 would have known and would have dealt  
14 with it. But, you know, again, six years  
15 later, I don't recall what happened in  
16 that moment.

17 Q. Do you recall any  
18 discussions about making a call to child  
19 line?

20 A. I believe that they had made  
21 that determination at the building level  
22 with Dr. Santoro's involvement, and by  
23 the time I was informed that that was  
24 already -- that was occurring, and we

1 knew that would have taken place, I  
2 believe.

3 Q. At this -- sorry -- at this  
4 point, you said that you would have been  
5 aware that there were three sixth grade  
6 girls that had disclosed that [REDACTED] had  
7 inappropriately touched them. Do you  
8 recall whether there was any discussion  
9 or anything put in place about trying to  
10 track whether [REDACTED] did this again?

11 A. Again, as I indicated  
12 before, based on general protocols, I  
13 believe that would have happened at the  
14 building level surrounding. They knew  
15 the student, they knew the schedule, they  
16 knew, you know, coming back off of  
17 whatever discipline was administered to  
18 him, what they would need to do to ensure  
19 changes in his behavior and safety and  
20 security of all of the students at  
21 Gwynedd Square. So, while I don't recall  
22 right now or I wasn't -- I don't know  
23 that I was privy to it, I'm sure that  
24 that was in place because that general

1 protocol would happen at the building  
2 level.

3 Q. Okay. So as director of HR,  
4 did you have any involvement in that,  
5 then, or you're saying it's really at the  
6 building level, that they would have been  
7 the ones to handle anything like that?

8 A. They would have been the  
9 ones to implement and handle it. I am --  
10 I would be surprised if we didn't talk  
11 about it as a course of action that would  
12 need to happen, a reminder to the  
13 building principal, discussion about how  
14 to, you know, insulate and secure the  
15 rest of the students as well as making  
16 sure that [REDACTED] was getting the support  
17 and help that, that were needed in order  
18 to change the behavior for the future.  
19 So it's almost always a part of our  
20 conversation, you know, dealing with the  
21 behavior, reacting and responding  
22 appropriately to the behavior and then  
23 also supporting for the future, what can  
24 happen, because we're talking about

1 children.

2 Q. You said you would want to  
3 prevent inappropriately -- him from  
4 inappropriately touching other students  
5 in the future, right?

6 A. And we would to provide  
7 support to him so that he understands the  
8 behavior is not appropriate and  
9 acceptable and that he's not in a  
10 position to be doing that futuristically.  
11 So, it's two-fold. You're providing  
12 supports to both the victim and the  
13 perpetrator. You know, they're children.  
14 You know, and there's a reason why it's  
15 happening. Part of what we do is support  
16 them with, you know, internal resources  
17 so that it doesn't happen again.

18 Q. Do you recall specifically  
19 having any conversations about what was  
20 going to be put in place, if anything, to  
21 prevent [REDACTED] from doing this again to  
22 other students?

23 A. I believe I answered that I  
24 do not.

1 Q. Okay.

2 A. That that would have  
3 happened at the building level.

4 Q. Do you know whether there  
5 was any -- whether you would have been  
6 involved in any kind of documentation?  
7 If a conversation did take place about  
8 what would be implemented, is that  
9 anything that you would document in any  
10 capacity somewhere?

11 A. Knowing myself, I would  
12 think I would have.

13 Q. And where would you have --  
14 sorry.

15 A. If I was a part of that  
16 conversation, it would have appeared in  
17 the disposition, in the outcomes. Just  
18 as a --

19 Q. When you say --

20 A. Yeah. Just as a suspension  
21 would. But again, I'll reiterate, the  
22 principal and the director of elementary  
23 would have been dealing with the  
24 discipline and the aspect that occurred

1 by the student. I dealt with the  
2 documentation, summarizing and dealing  
3 with the discipline that took place for  
4 the staff member involved.

5 Q. Okay. I'm going to bates  
6 number 1019. These are labeled as notes  
7 from Betty Santoro.

8 Did you also receive these  
9 notes as part of your investigation?

10 A. Yes.

11 Q. Okay? And it's dated  
12 Monday, April 13th, 2015. Do you know  
13 whether you received these notes on that  
14 date or like the other one you had  
15 received on the 15th?

16 A. I honestly can't say.

17 Q. How would they get these  
18 documents to you, would they be e-mailed  
19 or, like, hand-presented?

20 A. At this point, it looks as  
21 though they were e-mailed.

22 Q. Okay.

23 A. Or it could have been  
24 scanned back. I don't recall.

1 Q. Okay.

2 A. Although, there would be a  
3 line from the fax machine. So I would, I  
4 would venture to say they were e-mails.

5 Q. Okay. I'm gonna scroll  
6 down, because this statement goes on for  
7 a couple of pages.

8 The bates number 1021,  
9 towards the bottom, that states -- this  
10 is Wednesday, April 15th, 2015 -- that  
11 [REDACTED] indicated that girls expressed  
12 this from [REDACTED] and that this touching  
13 has been going on since fourth grade. Do  
14 you see that there?

15 A. I do.

16 Q. Was this something that you  
17 would have been aware of at the time  
18 since you received this report from Betty  
19 Santoro?

20 A. Yes.

21 Q. What, if anything, was done  
22 to investigate the touching that [REDACTED]  
23 [REDACTED] is saying has been going on  
24 from [REDACTED] since the fourth grade?

1           A.     I can't speak to that. I  
2 don't know. I don't recall.

3           Q.     Do you remember having any  
4 conversations with anybody, Bill Bowen or  
5 Dr. Santoro, when you're talking about,  
6 like, how to guide the investigation  
7 about investigating fourth grade  
8 incidents?

9           A.     I don't recall. I can tell  
10 you, in the life of a child, you know,  
11 that's a pretty long period of time for  
12 memories to be accurate, but I don't  
13 know. I don't know what they -- what  
14 happened as a result of that.

15          Q.     Meaning, for [REDACTED] memory  
16 to be accurate?

17          A.     For any, for any of the  
18 students at that point, you know, to  
19 be -- it would be, it would be  
20 challenging to investigate, but that's  
21 not to say that it didn't happen, that  
22 they didn't talk to [REDACTED] about what  
23 happened through fourth grade. I don't  
24 know.



1 Q. Do you know whether it was  
2 investigated at all?

3 A. I don't know.

4 Q. Would that have been  
5 something, when you're getting this  
6 report and receiving information about  
7 you have three girls who are saying they  
8 were inappropriately touched by [REDACTED] in  
9 the sixth grade and now [REDACTED] talking  
10 about girls that would have been touched  
11 in the fourth grade as well, do you  
12 believe that would have been part of your  
13 conversation to do something to find out  
14 more about these fourth grade incidents?

15 A. I hope it would be, yes.

16 Q. Do you recall whether you  
17 did any follow-up to ensure that the  
18 fourth grade incidents were looked into?

19 A. I do not.

20 Q. Line three says that [REDACTED]  
21 witnessed another girl being touched,  
22 Wendy Slaughton and Daysha Summe,  
23 D-A-Y-S-H-A S-U-M-M-E. Do you recall any  
24 of this information about these two other

1 girls being inappropriately touched by

2

3 A. Obviously, it's in, in this  
4 information. So it would have been  
5 referenced at that point. But beyond  
6 Mr. Bowen and Dr. Santoro dealing with  
7 the student levels, I do not.

8 Q. You don't have any  
9 independent recollection of that?

10 A. I do not.

11 Q. Go to the next page, which  
12 is bates number 1022. The second to last  
13 bullet point of Betty Santoro's  
14 statement. It says, at 3:00 p.m., Bill  
15 Bowen informed me that one of the  
16 students, blank, did admit to being  
17 touched front and back bottom by [REDACTED]  
18 in fifth grade.

19 Do you recall discussions  
20 about an allegation that [REDACTED] had  
21 inappropriately touched another student  
22 in fifth grade?

23 A. Based in the context of  
24 this, yes, because I believe there was an

1 adjustment made to the notes as they were  
2 recorded, top and bottom to front and  
3 back. So it was referenced and --

4 Q. Is that you're --

5 A. -- brought into --

6 Q. Sorry. Go ahead.

7 A. Brought into -- yes.

8 Q. Is that your handwriting,  
9 the front and back?

10 A. It is.

11 Q. Do you know why you changed  
12 it from top and bottom to, I guess, front  
13 and back bottom, is that what that's  
14 supposed to read now?

15 A. Yes, I believe so. Because  
16 it was a result of the conversation that  
17 had taken place that the touching was on  
18 the front and the back and the bottom,  
19 not the top, per se. It was just a  
20 greater, a greater level of detail.

21 Q. When you say the front and  
22 the back and the bottom, what are you  
23 referring to?

24 A. What was stated to me at the

1 time.

2 Q. Is it, like, the private  
3 area in the front, like, the vaginal area  
4 and the, the bottom, meaning, like, the  
5 butt or the -- what exactly do you mean?

6 A. I would have meant what the  
7 person telling me indicated, front and  
8 back.

9 Q. What -- I guess what -- I  
10 don't -- these are your -- this is your  
11 notes. So do you remember what you meant  
12 by that?

13 A. It's my note that clarifies  
14 top and bottom to be front and back.  
15 What area is top and bottom, does that  
16 include vaginal area? So, my  
17 clarification was simply that either Dr.  
18 Santoro or Mr. Bowen had referenced it as  
19 being front and back at some point, and I  
20 adjusted the notes, instead of top and  
21 bottom, to be front and back.

22 Q. I mean, did you have an  
23 understanding there what the front and  
24 back means? What are you trying to

1 indicate here, what does front and back  
2 mean?

3 A. I'm clarifying what they --  
4 what was put in the notes, from top and  
5 bottom to front and back.

6 Q. Did Dr. Santoro or Dr. --  
7 or, sorry -- Bill Bowen, did, did they  
8 use the words 'front and back'?

9 A. They would have. I wouldn't  
10 have, I wouldn't have had -- privy to  
11 that other than having them share that  
12 with me.

13 Q. Okay. Do you know whether  
14 they were referring to, like, front,  
15 meaning the vaginal area, and back,  
16 meaning the buttocks?

17 A. I do not, other than the  
18 notes that would have also been contained  
19 within these areas, which I believe  
20 was -- there was a reference to  
21 underneath her shirt. So, I don't have  
22 anything more specific than what's  
23 contained in the notes. Front and back  
24 was stated to me, and I captured it in

1 the notes that way.

2 Q. Is it important in  
3 statements like this to be, like, concise  
4 on what exactly is going on?

5 A. Concise, yes.

6 Q. Meaning, like, you know,  
7 front, like, what that means, like, to  
8 have the detail in, in these level of  
9 report of what actually happened?

10 A. I think that there might be  
11 some greater levels of detail in the rest  
12 of the accompanying documentation.

13 Q. Okay.

14 A. And I was simply capturing  
15 and repeating in this document what was  
16 stated to me, not embellishing, not  
17 adding.

18 Q. Okay. You would you agree  
19 with me, from -- would you agree with me  
20 from the documentation we've reviewed so  
21 far, that both you as the director of  
22 HR/Title IX coordinator for the district,  
23 Betty Santoro and -- who's the director  
24 of special education; is that right?

1 A. Elementary education.

2 Q. Okay. Elementary education.

3 And Principal Bowen were  
4 aware that there was an allegation in  
5 fifth grade that [REDACTED] had  
6 inappropriately touched a girl; is that  
7 right?

8 A. I would base it based on  
9 these notes, yes.

10 Q. That there was at least  
11 three allegations in the sixth grade that  
12 [REDACTED] inappropriately touched them; is  
13 that right?

14 A. Based on these notes, yes.

15 Q. And that [REDACTED] had also  
16 reported that there were allegations  
17 in -- or, incidents in fourth grade as  
18 well with [REDACTED] inappropriately touching  
19 girls; is that right?

20 A. As captured in these notes,  
21 yes.

22 Q. Okay. Did -- in kind of  
23 guiding Dr. Santoro and Bill Bowen in  
24 this investigation, did you talk about

1 who specifically would be interviewed out  
2 of the students and how to go about  
3 getting the information for the  
4 statements?

5 A. I don't recall.

6 Q. In your general practice, is  
7 that something you would have done, or  
8 with Bill Bowen and Dr. Santoro, you  
9 would have let them handle that part?

10 A. Well, it depends on the  
11 comfort level, and when the notes are  
12 coming back, if there's anything -- you  
13 know, if they're talking about if there's  
14 anything missing, we might talk and  
15 collaborate about what they might ask as  
16 follow-ups. In this case, you know,  
17 Mr. Bowen, Dr. Santoro and I even believe  
18 our assistant superintendant at the time,  
19 you know, Dr. Hogan were involved. So,  
20 again, in a collaborative effort, if it  
21 wasn't covered, I would have lended  
22 advice and guidance, as I've been said  
23 before, about what to ask and how to go  
24 about the investigation (sic).



1           Q.     Okay. I'm going to go to  
2 Page 1040 -- no, I said the wrong  
3 thing -- 1004.

4                     There we go.

5                     Are these your notes?

6           A.     They are.

7           Q.     Okay. Is this one of the  
8 documents that you reviewed in  
9 preparation for the deposition today?

10          A.     Yes. It might have been, I  
11 believe so.

12          Q.     Do you recall this, this  
13 meeting or telephone call that's  
14 referenced in these notes?

15          A.     Based on the notes, yes.

16          Q.     Do you have independent  
17 recollections of the call, or just going  
18 to the notes, you remember certain  
19 things?

20          A.     I believe the notes are  
21 jogging my memory.

22          Q.     Okay. Let's go through the  
23 notes, and I want to -- since they're  
24 your handwriting notes, I want to

1 understand, you know, what you meant and  
2 what you were writing here.

3 The first part is, like, a  
4 little asterisk, and it says, remember  
5 anything else/aware of further  
6 information that will help, you are  
7 directed to report it to Bill.

8 What was this part of the  
9 notes that you're documenting?

10 A. Yeah. That would have been,  
11 you know, to make sure that we were  
12 including a statement of that kind of  
13 aspect in the meeting with the teachers,  
14 when it was in an investigative state.  
15 So, you know, oftentimes when they are  
16 called to HR and they are processing  
17 information, being asked questions, they  
18 will reflect on them after the fact, and  
19 it might trigger additional memory or  
20 additional thoughts involved in the issue  
21 at hand. And so, you know, we wanted to  
22 make sure that if they thought of  
23 anything, if other things came up, that  
24 they would share it with Mr. Bowen

1 immediately. So that would help to  
2 impact his investigation with the  
3 students and his response to the behavior  
4 at the building level.

5 Q. Okay. And in the next part,  
6 is says, CPL in November.

7 What does, what does CPL  
8 stand for?

9 A. I think the child protective  
10 services law.

11 Q. Okay.

12 A. I believe.

13 Q. Sorry, go ahead.

14 A. I believe.

15 Q. Okay. Tell me this part,  
16 what, what you're documenting here.

17 A. Yeah. I, I believe that we  
18 were discussing, you know, the need to be  
19 reporting it as a component of the child  
20 protection services law and as child  
21 abuse. But given the reg, the statute at  
22 that time in November, it was  
23 child-to-child, and I don't believe it  
24 was covered under the law that it would

1 be perceived as being child abuse. So we  
2 were not required to report it at that  
3 time, per the district solicitor's  
4 guidance to us. So there was an  
5 indication that we didn't fail to report  
6 child abuse.

7 Q. Okay. Do you know what the  
8 requirements were, based on -- or, when  
9 applicable, what the law is, meaning  
10 that, is it the law at the time the  
11 incident occurred or when a student  
12 discloses, do you know what law applies?

13 MS. LAUGHLIN: You're on  
14 mute, Maureen.

15 MS. JORDAN: Thank you.  
16 Note my objection to the  
17 form of the question.

18 You can answer.

19 THE WITNESS: I believe that  
20 it would have been -- you know, I'm --  
21 I don't know. I would have asked our  
22 attorney at the time, you know, under  
23 what governance, and that would have  
24 been the end result of this -- those

1 notes. So, it would have been,  
2 perhaps, you know, what are our  
3 requirements, what, what should we be  
4 doing with regard to this, and I  
5 believe it was because the, the  
6 interaction, as it occurred in  
7 November, was under that governance,  
8 so it was not required to be reported  
9 at that time. I would interpret my  
10 notes to be that.

11 BY MS. LAUGHLIN:

12 Q. Just to clarify, was it  
13 because it was child-on-child, and that  
14 was not reportable?

15 A. I believe, yes.

16 Q. Okay.

17 A. And then, by April, there  
18 was a change to the definition, which is  
19 the next note right there, and hence why  
20 they would have called the child line at  
21 that time?

22 Q. Okay. And then what --  
23 explain for me what you're documenting,  
24 right below, it says, April change the

1 definition?

2           A.     I believe that that says the  
3 change to definition within the CPL, that  
4 child-to-child is not abuse, unless  
5 there's specific concerns for sexual  
6 penetration in nature and would be  
7 indecent assault, and the child under 13  
8 had no ability to consent to the  
9 behaviors, which was instrumental in what  
10 the teacher indicated when she spoke with  
11 the students, that she felt that there  
12 was mutual consent. And I believe we  
13 took exception to her being able to  
14 ascertain that in the way in which she  
15 spoke with the students, having spoken  
16 with them jointly, not giving them the  
17 opportunity to speak separately and  
18 without fear of reprisal or threat from  
19 the other, other student. So, that --  
20 those were those notes addressing it.

21           Q.     To make sure I understand  
22 your notes here, are you writing that a  
23 child under 13 does not have the ability  
24 to consent?

1           A.     Yes.

2           Q.     Okay. Was that your  
3 understanding of what the, the law or,  
4 like, requirements were at that time?

5           A.     Yes. These would have been  
6 the notes taken from discussion with the  
7 solicitor at that time.

8           Q.     Okay. And then the last  
9 part here, which has another asterisk,  
10 what is that part saying?

11          A.     That was, again, meaning to  
12 capture that in a meeting with the  
13 teachers, indicates that, you know,  
14 because of the lapse of judgment, the  
15 gross lapse of judgment in not reporting  
16 the incidences at the time they occurred,  
17 that incidences of this nature that could  
18 be sexual harassment or indecent assault  
19 by virtue of the statute, absolutely need  
20 to be reported to the building  
21 administrator so that the building  
22 administrator can take appropriate action  
23 in terms of investigating and responding.

24          Q.     Okay. In terms of --

1 MS. JORDAN: Can we --

2 MS. LAUGHLIN: Yeah.

3 MS. JORDAN: Laura, can we  
4 take a five-minute break? Somebody's  
5 ringing my doorbell, and I'm the only  
6 one home.

7 MS. LAUGHLIN: Okay. Sure.  
8 Let's take a five-minute break.

9 MS. JORDAN: Sorry.

10 MS. LAUGHLIN: You're okay.

11 MS. JORDAN: Thank you.

12 MS. LAUGHLIN: Uh-huh.

13 - - -

14 (A recess occurred from 3:35  
15 p.m. to 3:41 p.m.)

16 - - -

17 BY MS. LAUGHLIN:

18 Q. I'm just going to share my  
19 screen again. This is bates number 1010,  
20 1010, for the record.

21 This is your handwritten  
22 notes in the blue ink; is that right?

23 A. Yes.

24 Q. This typed up portion, is



1     this your notes as well?

2             A.     No.  They -- as you can see,  
3     which is what required the clarity in my  
4     handwriting, they were notes taken from  
5     Mr. Bowen for the meetings that, I  
6     believe, we had had.  So, Mr., Mr. Bowen  
7     took these notes and shared them with me,  
8     which at times would happen, when you're  
9     facilitating a meeting, another  
10    administrator in the room would be taking  
11    those notes.  And so this is, I believe,  
12    Mr. Bowen's rendering of the notes in the  
13    meetings with the teachers.

14            Q.     Okay.  And then these are,  
15    you said, handwritten notes you wanted to  
16    add on for, like, additional detail or  
17    clarification?

18            A.     Yes.  To, like, to indicate  
19    in -- it looks as though Mr. Bowen had  
20    created a running document, but there  
21    were separate meetings that took place.  
22    So there was a meeting with Ms. Diver,  
23    and attending in that meeting were Ruth,  
24    Alan, Betty, Bill and myself.  Attending

1 in the Holly Andrews meeting was Holly,  
2 Alan, Bill and myself. So it doesn't  
3 look like Betty was present in, in that  
4 meeting, in that time of the meeting.

5 Q. You -- sorry, go ahead.

6 A. Yeah. And so that's, that's  
7 what that represents. But this was  
8 Mr. Bowen's rendering of notes. I  
9 believe, because these were notes of the  
10 meeting, which I was present, there  
11 should also be handwritten notes that I  
12 was taking while facilitating the meeting  
13 as well.

14 Q. Okay. So let me go to  
15 those, then. Well, I guess, let me just  
16 ask you a couple of questions about your  
17 points on these meetings.

18 Do you know whether these  
19 two meetings occurred on the same day?

20 A. They did. I believe they  
21 would have happened back-to-back.

22 Q. Do you know why Dr. Santoro  
23 wasn't in the Holly Andrews meeting but  
24 was in the Ruth Diver meeting?

1           A.       I don't recall. She might  
2 have had another meeting or another  
3 situation that came up. I don't recall.

4           Q.       Okay. This part where  
5 it's -- you indicated here and then there  
6 are five bullet points afterwards on the  
7 bottom of Page 1010, are these things  
8 that you were saying in the meeting?

9           A.       Yes.

10          Q.       And what -- can you just  
11 explain for me -- I know this is kind of  
12 bullet points and Bill's notes -- can you  
13 recall what you were saying at the  
14 meeting?

15          A.       Yeah. I think my notes  
16 would have been in line order in the way  
17 that things were discussed. I think Bill  
18 was capturing summary statements, so that  
19 it might be out of context. But clearly,  
20 we were talking about her choice not to  
21 have told the administrators at the first  
22 point that would -- this had occurred,  
23 questioning her judgment in terms of  
24 interviewing the two students together,

1 because [REDACTED] as the victim, wasn't  
2 going to say anything in front of her  
3 perpetrator, in front of the student who,  
4 you know, caused the concern, that Bill  
5 could have followed-up in a much better  
6 way with, with greater protocols in  
7 place, obviously, and at what point do we  
8 have a responsibility, you know, that,  
9 that more than likely was in conjunction  
10 to reporting the information to the  
11 parents and to the building principal,  
12 which she had not done after the first  
13 incident, and believing that she had a  
14 responsibility to do that could have  
15 stopped it from occurring then again in  
16 April.

17 Q. Meaning, that the district  
18 thought that she had a responsibility,  
19 that Holly Andrews had a responsibility  
20 to do that?

21 A. Yes. Yes. And then there  
22 was no -- without having informed us,  
23 there was no way to know, it could have  
24 been a call to child line. So she took

1 away that opportunity to interpret the  
2 situation and make a decision. Had it  
3 been dealt with in November, could have  
4 avoided another incident. So that was my  
5 line of responding to what it was she had  
6 said in her statement about what  
7 happened.

8 Q. Okay.

9 A. Best as I can recall and  
10 remake the conversation.

11 Q. When you say Bill could have  
12 followed-up with greater protocols in  
13 place, what specifically are you  
14 referencing?

15 A. Well I think that, as a  
16 building administrator, he would have the  
17 opportunity to investigate more fully,  
18 separately and individually with the  
19 students. You know, knowing what we  
20 know -- knowing what we knew at this  
21 point, that, again, other, other students  
22 came forward, none of that came out at  
23 the earliest possible moment because  
24 Holly chose to deal with the situation

1 the way she did and not present it to  
2 Bill. So, there was perhaps, you know, a  
3 minimalization (sic) of the behavior that  
4 didn't allow the administration to  
5 further investigate more comprehensively  
6 and to follow the steps that we know  
7 exist in comprehensive investigation that  
8 could have brought in the audience of  
9 witnesses and brought more details to the  
10 forefront at an earlier point. So, you  
11 know, from November to April, things  
12 could have been avoided, but the  
13 principal of the building was not given  
14 the opportunity to do that, because he  
15 didn't know.

16 Q. Okay. I'll jump down --  
17 let's see -- this part where it says, mom  
18 never confided with Holly about child  
19 abuse when [REDACTED] was younger, do you  
20 recall that part of the conversation?

21 A. I do not. I think there was  
22 some point in -- maybe from Dr. Santoro,  
23 that there was discussion about [REDACTED]  
24 having been -- had been a victim at an

1 earlier point in her life, and there was  
2 something around the idea that Holly  
3 didn't know that, and I might have just  
4 been reiterating something that Holly  
5 said that mom hadn't -- she didn't know  
6 that, that that was, that was important  
7 to know, because once a victim -- you  
8 know, it exacerbates and clearly creates  
9 next levels of emotionality, you know,  
10 for someone who's been a victim to then  
11 be victimized again. So I think that's  
12 what we were talking about at that point.

13 Q. When you say, like, more  
14 severe level of emotionality, meaning  
15 that the impact, like, on a second  
16 assault or a subsequent assault can be  
17 more because of past conduct, past being  
18 a victim, is that what you mean?

19 A. I believe so. I think that  
20 it can bring those memories back to the  
21 forefront as well, and that compounds the  
22 situation that we were dealing with, and  
23 I think there needed to be an  
24 understanding with the student at that

1 point. But I believe Holly was saying  
2 that, you know, I didn't know, mom never  
3 told me, and neither here nor there.  
4 Whether [REDACTED] had been a prior victim or  
5 not, the teacher did not respond, you  
6 know, appropriately in the eyes of the  
7 district, and so that's why a course of  
8 action was taken to discipline the  
9 student -- the teacher.

10 Q. Do you recall any discussion  
11 about Holly Andrew also writing [REDACTED] up  
12 for the incident in November?

13 A. I don't.

14 Q. Under the circumstances that  
15 you were made aware in April, would it  
16 have been appropriate for Holly Andrew to  
17 write up [REDACTED] in that situation along  
18 with [REDACTED]

19 A. You know, I don't know. I  
20 think, I think she reported what she saw  
21 or what she thought she saw. I don't, I  
22 don't know if that would have justified  
23 reporting [REDACTED] or what; I don't know.

24 Q. But based on your



1 understanding of what happened between  
2 [REDACTED] and [REDACTED] because they had  
3 informed you of what had happened,  
4 Holly's version or, you know, statements  
5 that were taken and stuff, do you -- as  
6 title IX coordinator, do you think it was  
7 appropriate to write [REDACTED] up for that  
8 incident?

9 MS. JORDAN: Note my  
10 objection to the form of the question.  
11 You can answer.

12 THE WITNESS: I don't know  
13 that [REDACTED] was written up.

14 BY MS. LAUGHLIN:

15 Q. Well, I mean, I can  
16 represent to you, from Holly Andrew's  
17 deposition, she said she did write both  
18 [REDACTED] up and [REDACTED] up.

19 A. And I don't recall that.

20 Q. So are you saying that that  
21 didn't happen, or?

22 A. I'm saying I don't recall  
23 it. It may have happened. I don't know.  
24 I don't recall it.

1           Q.     Okay. Based on your  
2 understanding, though, as the title IX  
3 coordinator, would it have been  
4 appropriate for her to write [REDACTED] up?

5           MS. JORDAN: Note my  
6 objection to the form of the question.  
7 You can answer.

8           THE WITNESS: I don't know.  
9 BY MS. LAUGHLIN:

10          Q.     In your experience as the  
11 director of Title IX, with your  
12 experience, you know, training and  
13 everything else with Title IX, is there a  
14 protocol about a victim in this situation  
15 being written up?

16          MS. JORDAN: Note my  
17 objection to the form of the question.  
18 You can answer.

19          THE WITNESS: I can't  
20 recall. Again, I've not dealt with  
21 these situations in, in years. So, I  
22 don't recall.

23 BY MS. LAUGHLIN:

24          Q.     Meaning, since, like, 2018,

1 when you took on the role at Lehigh?

2 A. Yes. Well 2021, I took on  
3 the role at Lehigh, but yes.

4 Q. Sorry. So, last year, I  
5 guess, then.

6 You had mentioned you had  
7 your own handwritten notes, and I'm  
8 showing you bates number page 1012. Are  
9 these the notes from that meeting that  
10 were your notes that we were just going  
11 over?

12 A. Yes. It looks that way.

13 Q. Okay. Take me through what  
14 you're documenting here.

15 A. It looks like, in November,  
16 Ruth is indicating -- thank you -- is  
17 indicating, at the end of the day, she  
18 might have been in the bathroom. In my  
19 cryptic notes, I talk about Holly having  
20 shared inappropriate behavior, that  
21 students were talked to in the hallway.  
22 And then probably showed the office  
23 referral form that had been written for  
24 [REDACTED] that I knew of at the time. And

1 Ruth she questioned going to Bill, so  
2 she -- it was indicated that she  
3 questioned going to Bill, but she trusted  
4 that Holly handled the situation -- she  
5 trusted her, and I believe she filed the  
6 report or did something with it that was  
7 shared with her. She indicated that she  
8 didn't know the extent of the behavior.  
9 So I was kind of reviewing, I believe,  
10 her statement that she had given, and  
11 that prompted the questions, and those  
12 were her, you know, her responses back to  
13 me.

14 Q. I just want to pause before  
15 we jump to the next part.

16 You're saying, she didn't  
17 know the extent of the behavior, meaning  
18 Ruth Diver?

19 A. Yes.

20 Q. So when you're saying that  
21 she questioned going to Bill, meaning  
22 that in the conversation with Holly, Ruth  
23 brought up whether they should tell Bill  
24 Bowen about what had happened?

1           A.       I believe so. Because at  
2   that point, I think there was a written  
3   referral, perhaps, as I indicated in the  
4   top line there. So, based on the  
5   referral, should it go to the office,  
6   should we refer it to Bill, was, I think,  
7   Ruth's question. Holly, you know, said  
8   no. Because if the notes are correct at  
9   that point, if memory serves me, Holly  
10  had said to the student something to the  
11  effect of, you know, if you don't do this  
12  again, I won't either tell your parents  
13  or tell Mr. Bowen, something along those  
14  lines. So, for that reason, Holly  
15  probably did not want the referral, after  
16  she wrote it, to go to Bill.

17           Q.       Because she said that it  
18  wouldn't?

19           A.       Yes. So, she was  
20  presenting -- sharing the referral with  
21  Ruth, and the very nature of the referral  
22  would be to send to the office, but Holly  
23  was saying, we're not sending to the  
24  office, and Ruth was indicating that she

1 didn't know -- she hadn't witnessed the  
2 behavior, she didn't know the extent of  
3 the behavior, so she wasn't going to  
4 supercede what Holly was saying, that she  
5 truster her as a colleague.

6 Q. So Ruth, like, agreed to do  
7 what Holly was saying and not passing the  
8 report along to Principal Bowen?

9 A. I believe so. Because,  
10 again, Ruth was the recipient of the  
11 information. She was not present to have  
12 witnessed it or dealt with the students.

13 Q. Okay. Was Ruth Diver  
14 disciplined at all as a result of this  
15 whole sixth grade incident?

16 A. I believe -- I don't believe  
17 there was discipline to the extent that  
18 the supervising teacher in the room with  
19 the students had at the time.

20 Q. Wait, I'm sorry. I don't  
21 understand -- I didn't understand your  
22 answer.

23 A. Yeah. I don't believe that,  
24 if action was taken against Ruth, it rose

1 to the level of the action taken against  
2 Holly. I'd have to go back and look if  
3 there was a letter placed in her file,  
4 but I do not, I do not believe she  
5 experienced a suspension the way that  
6 Holly did, because Ruth was not involved  
7 to the level that Holly was.

8 Q. I guess my question is, do  
9 you recall whether there was any  
10 disciplinary action against Ruth Diver,  
11 even if it was less than that of Holly  
12 Andrew?

13 A. Again, as I said, I don't  
14 recall a letter in a file was perceived  
15 as discipline, you know, a verbal  
16 reprimand, and there may have been that,  
17 I don't recall.

18 Q. So I can represent to you  
19 that I have not received anything,  
20 whether it's any indication of a verbal  
21 reprimand or a paper in her file. So I  
22 guess I'm asking, do you know -- do you  
23 recall whether any -- if either of those  
24 things did actually take place?

1           A.     Again, I don't recall.  If  
2     you've not been made aware of it, I don't  
3     recall.  I would assume that that didn't  
4     happen.

5           Q.     Okay.

6           A.     Or there was not cause for  
7     that to happen.

8           Q.     Do you recall which it was,  
9     like, if it wasn't -- or discussion as to  
10    whether or not you disciplined Ruth  
11    Diver?

12          A.     I would, I would imagine  
13    there was discussion because that's  
14    generally what would have happened in a  
15    situation, and it was more than likely  
16    decided, based on her level of  
17    involvement, she didn't witness, she was  
18    forthcoming in the investigation, that  
19    discipline was not taken.  Again, I  
20    don't, I don't recall the complete nature  
21    of the decision.

22          Q.     Was that -- as the director  
23    of HR, was that your responsibility to --  
24    as to whether or not Ruth Diver would



1 receive discipline in this matter, since  
2 she was an employee of the district?

3 A. That would have been done  
4 collaboratively with our superintendant  
5 and assistant superintendant at that  
6 time. When we would get to that level,  
7 they were typically involved.

8 Q. Okay. And one of those  
9 people would have been Curt Dietrich?

10 A. That's correct.

11 Q. Do you know who the other  
12 person was?

13 A. Dr. Holding.

14 Q. Okay.

15 A. Diane Holding.

16 Q. For April, what are these  
17 notes saying?

18 A. So then this was, you know,  
19 fast-forwarding to the incident in April.  
20 So the first rendering was about content  
21 related to November. This was the  
22 content that related to April, in that  
23 Ruth indicated that [REDACTED] was making eye  
24 contact with her -- with me, Ruth -- and

1 she was wondering why she was looking at  
2 me when she should be looking at the  
3 video. And then some statement --

4 Q. Sorry, just to clarify, when  
5 you say "she should be looking at the  
6 video", are you talking about [REDACTED] or  
7 who should be looking at the video?

8 A. I -- it would be he, sorry.

9 Q. That's okay. I just wanted  
10 to clarify.

11 A. Thank you. I appreciate the  
12 enlarged print.

13 Q. Is it large enough now?

14 A. Yeah, it's fine. Thank you.

15 So [REDACTED] was making eye  
16 contact with me, being Ruth. Why you  
17 looking at me, should be looking at the  
18 video. So, that was what, you know, her  
19 statement was. Something about the  
20 inappropriate touching, and she was sorry  
21 that it turned into this. Reflecting  
22 back, perhaps if something would have  
23 been made aware in November, it wouldn't  
24 have had -- it wouldn't have moved into

1 what we were dealing with in April.

2 Q. And what you were dealing  
3 with in April, meaning the multiple other  
4 students that were reporting now at this  
5 point?

6 A. The second occurrence having  
7 dealt with [REDACTED]

8 Q. Okay. And this part about  
9 the inappropriate touching, do you know  
10 what was being referenced here?

11 A. I, I think that probably was  
12 the -- they were in the video and it was  
13 discovered that there was inappropriate  
14 touching happening.

15 Q. Okay. What about the --  
16 sorry, go ahead.

17 A. No. I would speculate about  
18 that, based on the other notes that we  
19 know or shared at the time.

20 Q. This next one, it says BS,  
21 do you know who this person is?

22 A. That would -- Betty Santoro  
23 would have said something about November  
24 and inappropriate touching, and she

1 challenged the wording of inappropriate  
2 touching, that it would be more along the  
3 lines of, you know, sexual harassment or  
4 misconduct.

5 Q. Okay. Using -- sorry, go  
6 ahead.

7 A. No. Again, as we said, you  
8 know, we, we do not -- we would not have  
9 condoned or advised teachers to be  
10 touching students in any way. So  
11 inappropriate touching could be grabbing  
12 a student by the shoulder or arm to  
13 redirect, that's not acceptable, as  
14 opposed to, you know, sexually harassing  
15 touching, you know, in this -- which we  
16 know in this case to happen. If students  
17 push and shove each other, that's  
18 inappropriate touching. Touching someone  
19 that makes them feel uncomfortable in an  
20 inappropriate area is sexual harassment.  
21 So, Betty was just making the  
22 distinction, I believe.

23 Q. That the November incident  
24 should have been termed sexual

1 harassment, not inappropriate touching?

2 A. Yes, I believe so.

3 Q. Okay. What about this last  
4 part at the bottom here?

5 A. I directed her to go to Bill  
6 if she remembered things after she, you  
7 know, had the chance to, you know,  
8 reflect after she had left the meeting.

9 Q. Okay. These are your notes  
10 as well?

11 A. Yes.

12 Q. And this is the second  
13 meeting, kind of, like, Bill Bowen, you  
14 have, like, a little squiggly line to  
15 separate the two meetings?

16 A. I did, yes.

17 Q. And so this is your second  
18 notes from the meeting that day, right?

19 A. Yes. And it does look --  
20 and just to go back, it does look like  
21 Betty was here in my rendering. It might  
22 have just been missed in capturing it on  
23 Bill's notes. But it does look like  
24 Betty was there.

1 Q. Okay.

2 A. Because I recorded it, and  
3 that would have happened in live time.

4 Q. Okay. Can you take me  
5 through -- when you say "last time", do  
6 you know whether Bill Bowen was  
7 documenting his after that or whether his  
8 was, like, live at the meeting as well?

9 A. I believe -- he was -- I  
10 believe he was typing as the meeting was  
11 going, but again, didn't capture who was  
12 in the meeting. So, you know,  
13 afterwards, I wrote in, and I might have  
14 just missed Betty.

15 Q. Can you take me through your  
16 handwritten notes here and kind of  
17 describe for me what you're documenting.

18 A. Yes.

19 We had, at that point,  
20 Holly's statement from her discussion, I  
21 believe with Bill and with Betty. So we  
22 had her review the review of the  
23 statement and the situation. She had not  
24 signed her statement, so I indicated that

1 a signature would be needed on that. She  
2 walked us through talking about, in  
3 November, in the summary with the  
4 students at the table, [REDACTED] and his  
5 hands were up [REDACTED] shirt, she took  
6 the students in the hallway and spoke to  
7 them together. [REDACTED] denied everything,  
8 and [REDACTED] said nothing. There, she's  
9 saying mutual -- it was mutual, she wrote  
10 a referral and filed it in the classroom.  
11 Now that I think of it, should have gone  
12 to Bill, in quotes. So that was a direct  
13 quote that she said. My initials  
14 indicate that my responses to --

15 Q. Let me just stop you right  
16 there before we jump to your response,  
17 really quick.

18 When she's telling you this,  
19 she's actually saying in the meeting, now  
20 that I think about it, I should have gone  
21 to Bill about the November incident?

22 A. Yes.

23 Q. Did she explain why or,  
24 like, why she's saying she should have

1     gone to Bill?

2             A.     No.    She -- if she would  
3     have gone into greater detail, I probably  
4     would have indicated that.

5             Q.     Okay.   And so, go ahead, so  
6     now this next part is your response to  
7     what Holly had just said in the meeting?

8             A.     Yes.    Indicated, again, that  
9     ██████████ wouldn't say anything or  
10    won't say anything in front of the  
11    perpetrator.   She shouldn't have  
12    questioned them together.   Bill, as the  
13    principal, could have investigated more  
14    thoroughly.   I questioned whether the  
15    parents were notified.   At what point, do  
16    we have a responsibility to notify  
17    parents and to notify the administration,  
18    was what that line meant.   Again, what we  
19    just referenced in Bill's notes, the  
20    incident could have been a call to child  
21    line.   Had we known, we could have  
22    determined that.   Had it been dealt with  
23    appropriately in November, we could have  
24    avoided other incidents, and then asked



1     what was shared with Ruth. So trying to  
2     ascertain Ruth's level of involvement or  
3     culpability in, you know, the witnessing  
4     of the behavior and responding to the  
5     behaviors.

6             Q.     This part about parents  
7     notified, like, asking if the parents  
8     were notified, do you recall getting an  
9     answer from Holly?

10            A.     I don't.

11            Q.     Okay.

12            A.     No.

13            Q.     And then it's, at what point  
14    do we have a responsibility, you said, to  
15    notify parents and administration of what  
16    that line means.

17            A.     Right.

18            Q.     Did you know, at that point,  
19    what responsibility, if any, the district  
20    has to inform parents of a student's  
21    disclosure of sexual misconduct?

22            A.     In terms of did I know what  
23    responsibility, my statement was really  
24    as a matter of being the responsible

1 party for those students and informing  
2 parents when something of this nature had  
3 happened, and she took that away by  
4 saying to the students, I will not -- you  
5 know, I won't tell your parents, I won't  
6 tell Mr. Bowen if you promise not to do  
7 it again. So, I wasn't even really  
8 thinking about the legal aspect of  
9 responsibility. I was thinking about  
10 informing parents.

11 Q. Taking it outside of, like,  
12 the legal, you know, aspect, the  
13 responsibility, but in terms of being  
14 director of -- or, Title IX coordinator,  
15 is -- was there an expectation or  
16 responsibility that you're aware of to  
17 notify parents in a situation like this?

18 A. No, I don't know. I don't  
19 know that.

20 Q. You don't know either one?

21 A. I don't know, no.

22 Q. Okay. And so then, Holly  
23 responds to you after you're saying what  
24 was shared with Ruth, and go through this

1 for me what you were documenting here.

2 A. Mm-hmm.

3 So, Holly indicated that she  
4 wasn't sure what was shared with Ruth.

5 Don't remember what was said to Ruth. We  
6 had a conversation about going to Bill  
7 but didn't. Can't really remember.

8 Showed second report for student same  
9 date. Felt it was caught before it went  
10 anywhere.

11 Q. Showed second report for  
12 student on same date, do you remember  
13 what this was referring to?

14 A. Unfortunately, I don't. I  
15 don't.

16 Q. What about when she's  
17 saying, thought it was caught before it  
18 went anywhere, do you know what she meant  
19 by that?

20 A. That she felt what she was  
21 doing, that she had stopped them from  
22 going -- from it escalating or the  
23 behaviors going further, is what I would  
24 interpret.

1           Q.     Meaning, stopped, like, at  
2     that moment from it going further in that  
3     particular assault?

4           A.     I believe so.

5           Q.     Okay. And then you said you  
6     asked again if parents had been  
7     notified --

8           A.     Yes.

9           Q.     -- is that right?

10          A.     Yes.

11          Q.     And then Holly told you,  
12     it's not my place to notify the parents?

13          A.     Correct.

14          Q.     Do you recall her saying  
15     this in the meeting?

16          A.     Yes.

17          Q.     What was -- when she said  
18     that, I mean, what was your reaction?

19          A.     Probably in disbelief.  
20     Because if it wasn't her place to notify  
21     parents, she also took the vehicle away  
22     from the administration to be able to do  
23     that by not informing the administration.  
24     So, I mean, you can see what was --

1 obviously, not, you know, everything can  
2 be captured. You do the best you can in  
3 writing, writing down what's said.

4 Q. And you responded, how,  
5 according to your notes?

6 A. It says, statement from  
7 [REDACTED] parents. I don't know what that  
8 was. It might have been something that  
9 they shared with Dr. Santoro, in their  
10 conversation with her, or with Bill. I  
11 don't, I don't know the specifics of that  
12 this far afterwards. And then we  
13 fast-forwarded to April. So --

14 Q. Okay.

15 A. -- we talked about November,  
16 then let's fast-forward to April. Holly  
17 indicated that she saw Ruth and Kristen  
18 in the hallway regarding an incident with  
19 Paige, perhaps another student. Ruth  
20 said, [REDACTED] did something similar to  
21 November, later that day was asked to  
22 write it up. And then I indicated that,  
23 you know, again, not enough investigation  
24 occurred in November to appropriately

1 deal with the situation, we'll continue  
2 to investigate further, while the  
3 investigation continues, please share if  
4 you remember anything else. So this was  
5 an information gathering meeting, a first  
6 step, you know, in the process.

7 Q. Okay. And I want to skip to  
8 the next meeting, which is bates number  
9 1003. And this is May 5th, 2015.

10 These are your notes, again?

11 A. Yes.

12 Q. And can you take me  
13 through -- do you recall this meeting and  
14 what the purpose of it was?

15 A. Yes. I think that we were  
16 discussing, you know, the, the situation  
17 and contemplating a course of action in  
18 terms of discipline and supports.

19 Q. Okay.

20 A. So --

21 Q. Sorry.

22 When you say, "in terms of  
23 discipline and supports", discipline for,  
24 who?

1           A.     For -- at this level, for  
2     the staff member.

3           Q.     When you say supports, what  
4     do you mean?

5           A.     If there's anything that we  
6     needed to do in terms of, you know,  
7     responding to the staff member, you know,  
8     to help stop this from happening in the  
9     future, change the, the judgment.

10          Q.     Meaning, like, additional  
11     training or something like that?

12          A.     Perhaps.

13          Q.     Are there other things that  
14     you were referring to or were part of  
15     this meeting or thought process?

16          A.     I don't, I don't recall.  
17     I'd say that, you know, we talk about  
18     discipline and support because they go  
19     hand-in-hand in some cases, and generally  
20     that's what we would be doing when we're  
21     looking at situations, whether or not  
22     supports were deemed necessary in this  
23     particular case or whether it was just an  
24     aspect of failure to, failure to report

1 and, and respond accordingly. Those were  
2 things that, you know, came up in the  
3 conversation, as you can see.

4 Q. Can you just take me through  
5 your notes, explain what you meant by  
6 what you wrote here.

7 A. Sure.

8 So we were talking about the  
9 judgement on Holly's part in terms of the  
10 act being so egregious. Her poor  
11 judgement not to be reporting the sexual  
12 nature of what she witnessed to  
13 authority, whether it was Bill or  
14 higher-up within the district, the fact  
15 that both students, the girl and the guy,  
16 were questioned together lended to her  
17 poor judgment, and telling the students  
18 that it will go no further if they stop,  
19 that she wouldn't tell parents, all were,  
20 in our mind, a very poor judgement and an  
21 egregious act on her part, to not carry  
22 out the professional responsibilities  
23 that she had and that for her to assume  
24 or make an assumption and a judgement



1     that it wasn't consensual, it wasn't  
2     appropriate school behavior nor, as we  
3     indicated previously, were the students  
4     of age to make it consensual as well.  
5     So, you know, again, just poor judgement  
6     all around and no seeking help from the  
7     administration in the building to discern  
8     appropriate steps and actions. And so,  
9     at that point, the thought process was  
10    that there would be a two-day suspension  
11    without pay as well as a letter  
12    commemorating that into her file.

13           Q.     Just to clarify your answer,  
14    I know that you and the other team  
15    members in this meeting are saying that  
16    the actions between [REDACTED] and [REDACTED] are  
17    not consensual, but Holly Andrew believed  
18    that they were consensual, or that was  
19    her interpretation or assumption; is that  
20    right?

21           A.     That was her statement, yes.

22           Q.     I'm showing you what's been  
23    marked as Page 1009 in the bates-numbered  
24    records.

1 Do you recall receiving  
2 this?

3 A. Yes.

4 Q. And it says, Dear Cheryl;  
5 that's you?

6 A. Yup.

7 Q. I know I've been referring  
8 to you as Dr. McCue, but this letter was  
9 addressed to you at the time, right?

10 A. It was, yes.

11 Q. And it's dated May 5th, 2015  
12 and that they -- you said that I should  
13 contact you if I think of anything else  
14 to add to our discussion, and that's  
15 referencing the end of the meeting when  
16 you're saying, if there's anything else,  
17 tell me?

18 A. Well, it was actually tell  
19 Bill, but yes.

20 Q. Okay. Do you know why --

21 A. To make somewhere aware,  
22 yeah.

23 Q. Do you know why she came to  
24 you with this, if you were like, tell

1 Bill, and it's coming directly to you?

2 A. I don't, other than I was in  
3 the meeting, I was facilitating the  
4 meeting. Again, I'll, I'll remind you  
5 that we are very hands-on administrative  
6 team, and the staff know us from being  
7 out in buildings and feel comfortable  
8 with us.

9 Q. Do you know whether Ruth  
10 Diver felt more comfortable bringing this  
11 to you versus her building principal?

12 A. I do not know that.

13 Q. Do you know what at all --  
14 sorry.

15 A. I believe Bill knew this as  
16 well. So I just think it was a matter of  
17 her sharing with me in addition.

18 Q. Were you aware of the  
19 relationship at all between the teachers  
20 at Gwynedd Square and the -- their  
21 relationship with the principal, Bill  
22 Bowen?

23 A. What, what are you  
24 referencing in term of relationship? He

1 was their supervisor.

2 Q. Right.

3 But, I mean, for example,  
4 are you aware of any complaints or issues  
5 that the teachers felt with the way that  
6 Bill was -- Bill Bowen was handling  
7 things at the elementary school?

8 A. No. I don't believe so.

9 Q. As the director of HR, would  
10 that be something that reports would  
11 typically -- you would expect to come to  
12 you --

13 A. Yes.

14 Q. -- of that nature?

15 A. Yes.

16 Q. Did the teachers know that  
17 they were supposed to report that to you?  
18 Was there any training given to them or  
19 policies or practices that you would  
20 inform them of?

21 A. Reporting, what, to me?

22 Q. In terms of, like, their  
23 feelings towards Bill Bowen and the way  
24 that they were handling things, the way

1 he was handling things at the school?

2 A. I think there's a chain of  
3 command in the organizational structure,  
4 that if individuals are not comfortable  
5 with their immediate supervisor, the next  
6 supervisor in line, in this case the  
7 director of elementary, if there's  
8 nothing done specifically to them that  
9 violates, you know, their employment or,  
10 as we talked about before, that caused a  
11 hostile work environment or made them  
12 feel uncomfortable, then absolutely, they  
13 would come to the director of HR, again,  
14 depending on the nature of it, to share  
15 their concerns.

16 Q. In terms of something like  
17 teachers submitting, like, disciplinary  
18 issued to be handled by Principal Bowen  
19 but then not ever hearing anything back,  
20 would that be something that would have  
21 gone to the director of elementary  
22 education or would have gone directly to  
23 you?

24 MS. JORDAN: Note my

1 objection to the form of the question.

2 You can answer.

3 THE WITNESS: Again, in  
4 following with the organizational  
5 chain, I would have expected those to  
6 go to the director of elementary  
7 first. If it was an ongoing concern  
8 that would speak to an individual's  
9 performance and their immediate  
10 supervisor would need help or there  
11 was something that should be taking  
12 place in terms of discipline or in  
13 regard to an evaluation, then  
14 absolutely, I would be involved. None  
15 of that had, to my recollection,  
16 occurred at this point in time.

17 BY MS. LAUGHLIN:

18 Q. I want to get to this note  
19 from Ruth Diver to you on Page 1009.  
20 It's talking about [REDACTED] and [REDACTED]  
21 being kept apart at recess and during the  
22 day.

23 Do you know how they were  
24 kept apart at recess?

1           A.       I do not.

2           Q.       Do you know what, if any,  
3 safety-type plans or implementation was  
4 put in place to separate [REDACTED] from the  
5 victims that had reported in the sixth  
6 grade?

7           A.       I do not.

8           Q.       Is that something that you  
9 would have been aware of at the time, or  
10 was that more at the building level that  
11 would have been handing that stuff?

12          A.       Yeah. I think I responded  
13 earlier to this question, that, that if  
14 something that would have happened at the  
15 building level, we would have talked  
16 about ensuring that steps were taken.  
17 Obviously, this note indicates that they  
18 were and that there was an acknowledgment  
19 of the need to separate them.  
20 Supervision happened at all of our  
21 outside recess times and lunchtime in the  
22 cafeteria. So, I would venture to say  
23 that a supervisor plan was put in place  
24 that would have the students be

1 separated.

2 Q. Do you know whether you were  
3 actually part of those conversations with  
4 this particular case, of what to do, how  
5 to separate, things like that?

6 A. I don't recall. Principals  
7 knew that we could be utilized as a  
8 resource, if it was necessary. But  
9 again, in their training and in their  
10 leadership, they're certified to do jobs,  
11 and they're able to do these jobs, and  
12 they do them very well. And so,  
13 oftentimes they're able to put in place  
14 these kinds of situation, this kind of  
15 action plan and don't need that level of  
16 assistance and support, but our structure  
17 always provide for it if they do.

18 Q. Do you recall having any  
19 conversations or guidance offered to Bill  
20 Bowen about how the information about  
21 [REDACTED] assaulting multiple girls in sixth  
22 grade while at Gwynedd Square was going  
23 to be communicated, if at all, to the  
24 middle school level?



1           A.     I do not.

2           Q.     Would that have been  
3 something that you would have left to the  
4 principal's hands to, to do and  
5 implement?

6           A.     Yes. That and as well as  
7 the director of elementary. So again,  
8 that structure that I indicated earlier,  
9 with transition meetings, my assumption  
10 would have been that the -- this would  
11 have been indicated as something to  
12 share, if, in fact, it was appropriate to  
13 be shared. Because remembering that we  
14 have 13 elementary buildings, three  
15 middle schools, it was not -- it would  
16 not be unlikely that depending on where  
17 the -- area and the living residential  
18 area is, they may not have been slotted  
19 to be going to the same middle school,  
20 and thereby the concern for them being  
21 together would have been eliminated by  
22 virtue of them being in two different  
23 middle schools.

24          Q.     What about in a situation

1 where the middle schools then filter back  
2 into the same high school, is there any  
3 process in place to, like, track that,  
4 if, you know, the situation's resolved  
5 for the middle school level, but there  
6 was a situation that would have been  
7 addressed, I mean, is there anything to  
8 track that so that when they're both  
9 filtered into the same high school, that  
10 something can be implemented?

11 A. I don't know if there's  
12 anything in place to track it. I do  
13 know, again, by virtue of the folders  
14 that are shared from level to level, that  
15 information is contained in there. But a  
16 direct reference to it, I don't know. I  
17 can't speak to that.

18 Q. Do you know for a fact in  
19 this case that that information was  
20 contained in [REDACTED] file?

21 A. I would expect for it to be,  
22 as a matter of protocol, but I have not  
23 reviewed his file to know if it was  
24 there.

1           Q.     Okay.  And when you say the  
2     information, meaning, like, the summaries  
3     of what happened, like, the Dr. Santoro  
4     summary or the Bill Bowen summary, or --  
5     are those what you're referring to?

6           A.     I'm referring to the notes  
7     that they would have taken, yes, the  
8     investigative notes and the outcome with  
9     regard to action steps for, for the  
10    student.

11          Q.     Like, a final report?

12          A.     Mm-hmm.  Final report and/or  
13    the compilation of papers in the file  
14    that speak to what would be in that final  
15    report, if it existed.

16          Q.     Okay.  The final reports,  
17    are they kept somewhere separate than in  
18    the student's subfolder?

19          A.     Again, you know, as I  
20    indicated previously, if it were relative  
21    to a staff member and I had filed a  
22    report, it would be electrically stored  
23    in a folder that was accessible to the  
24    superintendant.

1           Q.     What about for students not  
2 involving --

3           A.     I don't know.

4           Q.     Okay.  These are your notes,  
5 again, on Page 1008, from May 27th, 2015.

6                   Can you take me through what  
7 you're writing here.

8           A.     Yes.  This would have been a  
9 follow-up meeting where we were meeting  
10 with Holly to review the situation.  We  
11 had additional notes at that time, or  
12 additional information from Mission Kids.  
13 We talked about two girls.  I'm not sure  
14 what any kind movie showing and touching,  
15 and it references Paige and [REDACTED] who  
16 were the two girls who indicated that  
17 they, you know, had experienced this.

18          Q.     You don't know what you  
19 meant by that line?

20          A.     I don't know what any time.  
21 Two girls anytime movie showing; I'm not  
22 sure.  It's abbreviated and summarized to  
23 the point that six years later I can't  
24 tell you the full context of what that

1 means.

2 Q. Okay.

3 A. I shared concerns for poor  
4 judgement in not reporting the sexual  
5 nature to authority, meaning to the  
6 building level principal. Talked, again,  
7 and reiterated the idea of the students  
8 being questioned together, and then  
9 reiterated from our previous meetings,  
10 not -- it was not mutual or consensual  
11 because the students were not of age to  
12 be able to, to make it consensual, and  
13 regardless, it was not appropriate  
14 behavior for school. Followed-up with  
15 telling the students that it will go no  
16 further if they stopped, that she  
17 wouldn't tell the parents. There's  
18 nothing that -- by doing that, she  
19 eradicated the opportunity to provide  
20 support for [REDACTED] to understand that his  
21 behavior was inappropriate and would have  
22 stopped and could have stopped the  
23 behavior in November and that the  
24 district was going to proceed with a

1 two-day suspension without pay and a  
2 letter being placed in her file.

3                   We had additional concerns  
4 for her professional judgement in regard  
5 to -- so yeah, another area, and that was  
6 still in professional judgment. There  
7 was an, an issue for individual education  
8 plans and programs and her shredding of  
9 documents, that, for a case that was  
10 still in a settlement stage. I believe  
11 that's why Francis Gardner, who was the  
12 then, I believe, supervisor, it says  
13 supervisor of special education, assisted  
14 into that building, or perhaps the  
15 assistant director of special education  
16 at the time, was involved in this  
17 meeting. Both issues, the issue with the  
18 student through sexual harassment as well  
19 as shredding of documents were lapses of  
20 judgment, and it could result in  
21 unsatisfactory performance in the area of  
22 professionalism domain two of her  
23 evaluation and in the area of classroom  
24 environment.

1                   So I was doing that to set  
2 her up to know that, within this period  
3 of time, those lapses of judgement would  
4 substantiate a need for the district to  
5 record this on her yearly evaluation,  
6 because they were occurring during the  
7 year -- at the time of the evaluation.

8                   Q.     Do you recall --

9                   A.     She --

10                  Q.     Sorry.

11                  A.     Go ahead.

12                  Q.     Was there more with that  
13 section?

14                  A.     Just that the idea that I  
15 able to summarize all of the statements,  
16 afforded her the opportunity to ask any  
17 questions. Her last statement was it's  
18 not necessary to review the entire  
19 situation. Experience tells me you get  
20 some major points in, and that's what I  
21 attempted to do.

22                  Q.     This IEP issue and her  
23 shredding the document, do you remember  
24 what that involved?

1           A.     I do not, other than what I  
2     have. I mean, the action was that she  
3     was found to have shedded IEP documents  
4     of a student on her case load within the  
5     building, and Dr. Gardner and the special  
6     education leadership team was dealing  
7     with that. Unprofessional, lapse of  
8     judgment, it became a part of this  
9     conversation because it was another  
10    aspect of judgment, as I indicated, and  
11    was a component of where the district was  
12    planning to move on her end of the year  
13    evaluation.

14           Q.     What about the shredding of  
15    and IEP document was unprofessional?

16           A.     Those are documents that are  
17    legal documents and should be maintained.  
18    So, it wasn't a draft, it wasn't replaced  
19    by something. There was no protocol to  
20    be shredding it at that time, especially,  
21    as you can see, the case was in, in a  
22    review point for a settlement. So, we  
23    wouldn't be discarding documents.

24           Q.     Was there not an electronic



1 version of IEPs kept at this time for  
2 students?

3 A. I believe there, there more  
4 than likely was, but I can't speak to  
5 that, again, not being the supervisor of  
6 that area.

7 Q. When you say that the case  
8 was still in settlement stages, what do  
9 you mean?

10 A. The, the student for whom  
11 the IEP was being shredded, there was,  
12 there was a pending case occurring at the  
13 time.

14 Q. Like, a lawsuit?

15 A. I don't know.

16 Q. Okay.

17 A. It was a settlement. I  
18 can't recall the levels of those details.

19 Q. Okay. Do you recall what  
20 the, the case was about or what the, the  
21 issue was or the claim made?

22 A. I do not.

23 Q. Do you remember --

24 A. No. That would have been

1 managed through the director of special  
2 education or the solicitor at the time.

3 Q. Okay. I'm going to go to  
4 bates number 998. This was a North Penn  
5 grievance form that was sent to you from  
6 Holly Andrew and Alan Malachowski; is  
7 that right?

8 A. Yes.

9 Q. And Alan was the president  
10 of the teacher's union?

11 A. Yes. He was the president  
12 of the association, yup.

13 Q. Would you typically receive  
14 any grievance forms from employees, they  
15 would -- would they go to you?

16 A. Yes.

17 Q. In your role as the director  
18 of HR?

19 A. Yes, that's correct.

20 Q. And so Holly -- I'm sorry --  
21 Ms. Holly Andrew at this point is now  
22 filing a grievance after you and the  
23 group of people you met with told her she  
24 was going to get a two-day suspension

1 without pay and a letter in her file; is  
2 that right?

3 A. Yes. The president of the  
4 association, on behalf of Holly, was  
5 filing the grievance in his role as  
6 president.

7 Q. Okay. And Holly -- I mean,  
8 Holly, through, I guess, the union  
9 president, Mr. Malachowski, wanted the  
10 suspension removed and her salary paid  
11 back for those two days; is that right?

12 A. That's correct.

13 Q. Do you recall discussions  
14 about whether that should happen?

15 A. In response to the  
16 grievance, there were discussions, yes.

17 Q. Do you recall any of them,  
18 independently?

19 A. I think that we ascertained  
20 that our level of discipline was  
21 appropriate, and we were not in a  
22 position to respond to the grievance in a  
23 way that would make her whole.

24 Q. Okay. Taking you to bates

1 number 1005, which continues onto 1006,  
2 this document here, a Department of Human  
3 Resources memorandum, dated June 3rd,  
4 2015, is this a document that you create  
5 that's kept in the employee's file?

6 A. Yes.

7 Q. And is this any time that  
8 there's a grievance filed -- or, I guess,  
9 some -- a teacher is going to get  
10 disciplined, is there something similar  
11 to this that's created?

12 A. Yes. This would have been a  
13 summarization of a performance meeting in  
14 which action was taken, to summarize the  
15 conversation, the reasons and ultimately  
16 the action taken.

17 Q. Okay.

18 A. So it wouldn't have been in  
19 response to a grievance. The grievance  
20 was in response to this letter.

21 Q. Oh, okay.

22 I want to take you down to  
23 No. 3, I'm on Page 1005.

24 A. Could I just ask that you

1 make it a hundred percent, if I need to  
2 reference it?

3 Q. Yeah.

4 Is that better?

5 A. Yes, thank you.

6 Q. Yeah.

7 So I'm looking at -- and you  
8 can see it in that hundred percent?

9 A. Yes, that's perfect. Thank  
10 you.

11 Q. In No. 3, it says, school  
12 board Policy No. 5150, with regard to  
13 harassment and responsibility as an  
14 employee to maintain an educational  
15 environment free from all forms of  
16 unlawful harassment, were shared with  
17 you. It says this is during the April  
18 meeting.

19 A. Yes.

20 Q. Do you recall whether Ms.  
21 Andrew had ever seen that document, the  
22 school board Policy 5150?

23 A. During this -- course of the  
24 meeting or prior to the meeting?

1 Q. Prior to that meeting.

2 A. Again, all of our policies  
3 are on the website, and policies are  
4 referenced at faculty meetings at the  
5 beginning of the year, and responsibility  
6 resides with the staff members to be  
7 aware of the policies. So, I provide  
8 them with a copy of the policy at a point  
9 which they have violated it. I would  
10 have to assume that she was aware of the  
11 policy, based on the ways in which we  
12 make it public and accessible to all  
13 employees and are made known at the point  
14 of their onboarding into the district as  
15 well.

16 Q. So at the point that they're  
17 hired into the district, they're told  
18 to -- are they told to review the  
19 policies online?

20 A. They are. And some policies  
21 are reviewed with them in the context of  
22 the onboarding, as they are appropriate.

23 Q. Do you know whether this  
24 policy 5150 is reviewed with teachers as

1     they're onboarded into the district?

2             A.     I believe there's a  
3     reference to the harassment policy as  
4     well as the discrimination policy, and  
5     it's brought up on the screen, and  
6     they're shown where it is and how to  
7     access it.

8             Q.     Would it surprise you that  
9     Holly Andrew testified that prior to this  
10    meeting she had not seen the Policy 5150,  
11    regarding harassment, prior to that  
12    meeting?

13            A.     I, I can't speak to that. I  
14    mean, I -- you know, Holly was onboarded.  
15    It depends on the period when Holly was  
16    onboarded and the person responsible for  
17    her hire at that point in time as well  
18    as, again, as I said, building principals  
19    reviewing policy with staff.

20            Q.     How often were building  
21    principals supposed to be reviewing these  
22    policies with the staff?

23            A.     They would typically make  
24    reference to all of the policies and the

1 accessibility to them during the opening  
2 day faculty meetings. Specific focus was  
3 made to policies that may have been  
4 adjusted, changed or added over the  
5 course of the summer. All policies, when  
6 those occur, are also presented at school  
7 board meetings in a first read session  
8 and then ultimately a second read and  
9 adoption within, you know, a 30-day  
10 period of time. Those meetings are all  
11 broadcasted and accessible to the public  
12 as well as our staff members. So, you  
13 know, in this world of technology and  
14 multimedia, staff members are provided  
15 access to the information within the  
16 district.

17 Q. Was there any specific  
18 instruction to the principals at the  
19 elementary school level to make sure that  
20 their staff was familiar with this  
21 specific policy, 5150, the policy for  
22 harassment?

23 A. Again, I would indicate that  
24 that would have happened at the point in



1    which the changes were made to the  
2    policies, and I can only speak to when I  
3    was meeting with the principals as the  
4    director of elementary, that was a  
5    standard item on our August principal's  
6    meeting, to review policies, changes,  
7    adjustments, things that needed to be  
8    made aware at faculty meetings. And so,  
9    if this policy had undergone changes,  
10   which I'm fairly certain it did when we  
11   created that three-prong, that would have  
12   been there and that would have been  
13   discussed with faculty at the time.

14           Q.     And you would have expected  
15   that to have gone from the principals  
16   down to the teachers at the elementary  
17   school?

18           A.     That's correct, yes.

19           Q.     Okay. How long is  
20   documentation like this kept in an  
21   employee's file?

22           A.     For as long as the employee  
23   is maintained in the district and then  
24   it's archived, you know, in our archives

1 at human resources. So, unless there is  
2 a directive from a hearing or a mediation  
3 that the records be expunged, it would be  
4 maintained in the record.

5 Q. Okay. And when you say  
6 the -- you -- kept in the record, is it  
7 just in the HR end of things in terms of  
8 the employee's file, or would it also  
9 have been -- because since there's such a  
10 summary of what had happened, would it be  
11 kept in a capacity involving student  
12 files as well?

13 A. No. It would not be in  
14 student files.

15 Q. Would it be in any other  
16 file other than at HR with the  
17 employee-type folder?

18 A. Well, if you scroll down,  
19 you'll see members of the team that also  
20 received copies. So they might have  
21 maintained a copy for themselves, as  
22 being a part of this situation.

23 Q. Was there something -- and  
24 this is if you know -- that, for

1 instance, Bill Bowen or Dr. Santoro,  
2 where, you know, you're saying if they  
3 wanted to, they could keep it. Was there  
4 any policy or procedure or practice in  
5 place to keep these documents in any  
6 other space at these levels?

7 A. No. Not to my knowledge.

8 Q. How was this letter  
9 communicated to these four individuals in  
10 the CC on Page 1006?

11 A. It would have been by a  
12 personal e-mail attachment.

13 Q. Okay. Through the district  
14 e-mails?

15 A. Yes. I would believe so.  
16 Based on the signature line as having  
17 come from the HR specialist's at the  
18 time, the initials next to my signature.

19 Q. Okay. But on Page 994, and  
20 this is on June 9th, 2015, these are your  
21 notes again, can you just take me through  
22 what you're documenting here, could you  
23 just explain what you wrote.

24 A. Yes.

1                   So, this was the meeting  
2 held with Dr. Dietrich at the request of  
3 our grievance process. So, it looks as  
4 though Mr. Malachowski began the meeting.  
5 Alan indicated that he was thanking us  
6 for the time to meet, filed the grievance  
7 at the advice of PSCA. He -- Holly  
8 understands better judgments and  
9 decisions to be made, and they want to  
10 make sure that the punishment fits the  
11 crime across the state concerns. So I  
12 guess, you know, in comparing situations  
13 that PSCA advised that they filed a  
14 grievance, is what I can recollect and  
15 recall at this point.

16               Q.     That the punishment for  
17 Holly fit what she actually did?

18               A.     Yes.

19               Q.     And whether that would be  
20 appropriate across the state, is that,  
21 like, the state of Pennsylvania?

22               A.     I would venture to say  
23 that's what he was indicating.

24               Q.     Okay. And go ahead.

1           A.       So, Holly indicated that  
2 back in November, she believed it to be  
3 mutual, because both hands were under the  
4 table when caught. She thought they were  
5 good friends. Parenthetically, I  
6 indicated that was never mentioned in any  
7 of the investigations. I do type better  
8 than I write. Caught it and, something,  
9 into the hallway. She, you know, took  
10 them into the hallway and talked to them.  
11 She wrote it immediately, and she had a  
12 lapse in judgment by not sending it to  
13 the principal.

14           Q.       Okay.

15           A.       She does not feel that what  
16 she witnessed was sexual harassment or  
17 assault.

18           Q.       And then, what's next?

19           A.       Curt asked her if she had  
20 other thoughts. Holly referenced the  
21 other issue in special education, brought  
22 up by Francis Gardner. She has e-mails  
23 and etc., everything with Bill Bowen, as  
24 the principal, the lawyer, the letters,

1 previous e-mails by North Penn. Building  
2 for a few years. She didn't cause the  
3 issue.

4 Q. I just, I just want to stop  
5 you there, just to go back.

6 When you say everything with  
7 Bill Bowen, principal, do you know what  
8 you were referring to there, what was  
9 being discussed?

10 A. I think that the e-mails  
11 back and forth regarding the case that  
12 came from Bill Bowen and the lawyers,  
13 Francis Gardner, she had all of that in  
14 support of what she believed she should  
15 be doing at the time.

16 Q. Okay.

17 A. She doesn't believe that she  
18 caused the issue at hand. Something  
19 about copies of parental concerns and,  
20 and the parent's lawyer. I can't tell  
21 you the context of that at this point.  
22 Again, in this meeting, Dr. Dietrich  
23 primarily, as the next level up as  
24 grievance, was facilitating the meeting.

1 I typically would take notes during the  
2 course of that meeting, and that's what I  
3 was doing.

4 At this point, I clarified  
5 the suspension with issue and question,  
6 in terms of -- so, Holly's bringing in  
7 the special education issue, into a  
8 grievance, meaning that was specific to  
9 another issue, and the letter for  
10 suspension was specific to her dealings  
11 of the students and things. So I just  
12 clarified that that was the reason for,  
13 you know, the suspension. Curt focused  
14 on the touching issue, said, you know, it  
15 was -- framed it well. Is, is a two-day  
16 suspension appropriate to conduct? So he  
17 was coming back to the essence of the  
18 grievance. Does the two days meet the  
19 crime, in their words, you know, in  
20 Alan's words at the beginning. So he was  
21 saying is two-day suspension appropriate  
22 to conduct. Well, I promise you I'll  
23 think about it, but I need to tell you or  
24 I'd be remiss to tell you that, really,

1 it's times three. So I believe that  
2 meant the number -- the students that  
3 were involved, it was an egregious act.  
4 Or, times three, in my opinion, it was  
5 that egregious, something along those  
6 lines, just indicating that it did  
7 require a level of suspension.

8 Q. And just to clarify, was it  
9 Holly's response to that was really  
10 egregious or the conduct by [REDACTED] was  
11 really, really, really egregious act?

12 A. Honestly, I think we were  
13 referencing both, that Holly was  
14 attempting to minimize the act of the  
15 students. We indicated, if you will  
16 recall too, what Betty had indicated, in  
17 terms of challenging the language of  
18 inappropriate behavior as versus sexual  
19 harassment. So that was, in our minds,  
20 Holly in a lapse of judgment and  
21 downplaying what was witnesses. It was  
22 an egregious act. You don't, you don't  
23 sexual harass and touch another student  
24 underneath a shirt, and, and what was



1     witnessed and what was portrayed to have  
2     been witnessed. So that was an egregious  
3     act, followed up with the second  
4     egregious act, in her lapse of judgement  
5     in not reporting it and not getting --  
6     not opening up the avenues for a more  
7     detailed investigation and appropriate  
8     action steps for both the victim and the  
9     perpetrator, for both, you know, [REDACTED]  
10    and [REDACTED] and the other girls who were  
11    involved at that point. So, we were  
12    looking at it twofold.

13                 Q.     Okay.

14                 A.     Curt then continued with  
15    Alan's comments regarding public and, and  
16    what's in the news today for us as an  
17    educational institution. We needed -- we  
18    need to have the speed of a response,  
19    that we shouldn't be dragging our heels  
20    in terms of reacting and responding to  
21    the egregious nature of the behavior, and  
22    it did warrant, you know, our course of  
23    action. Curt then --

24                 Q.     Before you get there, can I

1 just ask a quick follow-up question?

2 A. Mm-hmm, sure.

3 Q. When it says "regarding  
4 public and in news today", what is that  
5 referencing?

6 A. I believe it was just  
7 referencing, you know, situations that  
8 you hear of similar to that which  
9 occurred in North Penn, that there is  
10 harassment going on within the nation and  
11 what we're hearing in the news today, and  
12 as a public institution, we can't condone  
13 it nor can we not react and respond  
14 appropriately to stop it. And that's  
15 what would warrant the disciplinary  
16 action we took.

17 Q. Okay.

18 A. And then, Curt also, then,  
19 tried to talk with her and share that  
20 there was, you know, a concern for her  
21 that she took this on herself when she  
22 didn't need to, that she subjected -- as  
23 a result of that, as a result of not  
24 forwarding the information to the

1 appropriate level within the district,  
2 she subjected the kids to more, and  
3 nobody should have been made to endure  
4 that. So again, what I had indicated in  
5 the initial meetings to Holly and Ruth,  
6 that had they taken appropriate action in  
7 November, we could -- supports could have  
8 been put in place for [REDACTED] as well as  
9 [REDACTED] and disciplinary action could  
10 have been taken at that time, wouldn't  
11 have progressed to a second incident  
12 within the same school year for [REDACTED]  
13 and that no one should need to endure  
14 that. She shouldn't have taken it on  
15 herself. That was huge. That was a huge  
16 miscalculation and lacked, lacked  
17 judgment on her part.

18 Q. Okay.

19 A. The good thing is that it's  
20 really -- it was the first time that she  
21 had been called in for that kind of  
22 offense. So she, you know, hadn't had  
23 other judgment lapses of that nature  
24 before. If it had been, if it hadn't --

1 if it had been a second time or more, it  
2 wouldn't be two days, is what he was  
3 essentially telling her, that, you know,  
4 there was some consideration for, you  
5 know, her as an employee prior to this  
6 particular lapse of judgement in this,  
7 this incident.

8                   And we can see Alan's  
9 initials are next. He spoke about the  
10 PSCA legal and make a case to push back,  
11 you know, going back and forth, that they  
12 could perceive it, instead of sexual  
13 harassment, as mutual hanky-panky or  
14 fooling around on the part of the  
15 students. 20 years ago, that would have  
16 been okay. Now, there's a question as to  
17 what we're labeling it and the severity  
18 with which we're interpreting it, and  
19 he's questioning that. He further  
20 cemented that thought to say that, these  
21 are two friends being too amorous when  
22 the lights went out. That's not how we  
23 interpreted it nor how it should have  
24 been interpreted.

1                   Curt indicated, speaking  
2 directly to Holly, that, you know, you  
3 trying to take this upon yourself and  
4 make a decision, you really needed to get  
5 others involved, this was significant,  
6 and this was not at a level that would  
7 have been expected to be dealt with by a  
8 teacher. This isn't a student talking in  
9 class while you're trying to teach. This  
10 isn't -- you know, this is more  
11 significant and egregious.

12                   Holly indicated, at that  
13 point, that she talked to her grade  
14 partner. Curt indicated that he  
15 clarified with information from the  
16 meeting that he would -- that she was  
17 never specific regarding the information  
18 that she shared with her grade partner,  
19 that both Ruth and Holly had indicated  
20 they weren't sure. Ruth indicated she  
21 didn't know the detail to which Holly was  
22 dealing. Holly indicated, in her meeting  
23 with me, that she wasn't sure, couldn't  
24 remember how much she had told Ruth. So

1 by her own acknowledgment, we were able  
2 to clarify that talking to your grade  
3 partner is not an appropriate response  
4 for us at this point. Holly indicated  
5 that it snowballed. The police were  
6 involved. More students were involved.  
7 You know, she never anticipated that,  
8 never thought about that.

9 Curt then responded, that's  
10 exactly why we need to deal with it  
11 appropriately in the beginning, from the  
12 get-go. The other thing that was bad was  
13 her talking to the kids together. The  
14 victim is not comfortable. You know,  
15 they're going to zip it, they're not  
16 going to say anything in front of the  
17 perpetrator for fear of further  
18 retaliation or further issue; they won't  
19 talk. He said, that's really huge, and  
20 that's a bad idea and shouldn't have  
21 happened.

22 Holly then reaffirmed her  
23 belief that she thought it was mutual  
24 because they were friends. Curt said

1   that -- said she asked for it and seeked  
2   it out, hands up shirt. That's not okay,  
3   and she didn't. That's not the  
4   interpretation you want to be giving. At  
5   this point, he was, you know, that's just  
6   great, want to do that to me, you know,  
7   in this classroom right now, that's -- in  
8   this conference room now, that's not  
9   acceptable. Boy's hands up her blouse  
10   and attempting to touch her, not  
11   warranted, not wanted. There's no way  
12   that you're going to spin this as being  
13   mutual and welcomed, was Curt's message  
14   in that.

15                   Alan attempted to jump in,  
16   saying that he appreciated the time in  
17   making your position clear, that was done  
18   in the letter, and sit down with PSCA.  
19   Holly indicated that she had a very --  
20   you know, she was referencing her track  
21   record with North Penn. Her prior  
22   performance as a teacher was really good.  
23   She's had really good evaluations. She's  
24   a mother of three. She would never do

1 anything to harm students.

2 Curt said, you know, all  
3 said, it helped it to be two days. You  
4 know, some of the things that she just  
5 said, she was a staff member in good  
6 standing. She didn't mean for it to  
7 happen that way, lapse of judgment. It  
8 stands at two days. And he was thankful  
9 and appreciative with her demeanor within  
10 the meeting and her cooperation.

11 Alan voiced that he was  
12 concerned for -- with the form that Bill  
13 Bowen was using; so B.B. is Bill Bowen.  
14 Reiterated, again, that this was for  
15 teacher use in their personnel file. So,  
16 the association was trying to warrant  
17 that the form that was completed was  
18 never expected to have gone to the  
19 office, but yet it was entitled a office  
20 referral form, I believe. So they were  
21 trying to mitigate that. And the  
22 perception that Bill doesn't wasn't to be  
23 bothered with things is, is what Alan  
24 referenced at that point in time.



1 Q. Okay.

2 A. And I believe the meeting  
3 was concluding at that point.

4 Q. Just to clarify, this form,  
5 that office referral form, that's what  
6 Holly had written up for [REDACTED] and  
7 showed it to Ruth and then Ruth put away,  
8 like, filed somewhere, is that what  
9 you're referring to?

10 A. Yes. I believe Ruth was the  
11 team leader and was the regular education  
12 for the students, whereas Holly was the  
13 special education teacher, and she  
14 wasn't -- she wouldn't house the form.  
15 It would be kept with Ruth, you know, as  
16 the home room teacher.

17 Q. And were you and Curt  
18 Dietrich, in the meeting, kind of  
19 saying -- just so I understand what  
20 you're telling me about this meeting --  
21 that the form actually says 'office  
22 referral form', so it should be referred  
23 to the office because that's what it's  
24 titled. Was that kind of the response

1     you were giving?

2             A.     Yes.   Yes.   And they were  
3     mitigating it by indicating that, you  
4     know, the form wasn't used in the way  
5     that it was stated and intending to be  
6     used.

7             Q.     Meaning that, at that  
8     school, they didn't send those forms to  
9     the office referral, like, to the office?

10            A.     I would venture to say  
11    that's what was meant.

12            Q.     Okay.   Next page, this  
13    letter here, it's 997, this is Curt  
14    Dietrich's response to Holly Andrew's  
15    grievance; is that right?

16            A.     Yes.   That would happen  
17    following the meeting.

18            Q.     Okay.   And this -- you're  
19    CC'ed on this?

20            A.     Yes.

21            Q.     Is this something typically  
22    you'd be CC'ed on in this circumstances,  
23    when a --

24            A.     It is, yes.   Again, as you

1 indicated previously, the grievances are  
2 funneled through the director of HR more  
3 so as a result of my -- remember, from my  
4 job description or my, my resume --  
5 enforcement of the collective bargaining  
6 agreements and the grievance processes  
7 housed within the collective bargaining  
8 agreements and housed within HR. So this  
9 would have been added to the grievance  
10 folder that we would have kept  
11 surrounding this issue.

12 Q. Okay. In Holly's -- Holly  
13 Andrew's file?

14 A. Both in Holly Andrew's file,  
15 and then we also maintain, in the  
16 district, a grievance file that is issue  
17 specific so that if another issue were to  
18 come up, this consistency weighed against  
19 and across what happened in terms of  
20 grievance responses --

21 Q. Do you --

22 A. -- in situations.

23 Q. Sorry.

24 Do you recall writing any of

1     this letter, or was this something that  
2     Dr. Dietrich had written?

3             A.     Dr. Dietrich would have  
4     written it.

5             Q.     Okay.

6             A.     He may have asked for my  
7     notes from the meeting, I would have  
8     shared my notes with him, but I would not  
9     have been the author of the letter.

10            Q.     I can represent to you, from  
11    the notes, Holly Andrew, based on that  
12    grievance that she filed, her two-day  
13    suspension was reduced to a one-day  
14    suspension, and she got paid back for  
15    that second day. Do you recall that?

16            A.     Yes.

17            Q.     And that she was also placed  
18    on a performance improvement plan, but  
19    then that was removed from her file. Do  
20    you recall that part?

21            A.     Yes.

22            Q.     If it's being removed from  
23    her file, how is -- is that documented  
24    anywhere, then, that she was given a

1 performance improvement plan related to  
2 this incident?

3 A. It would have, it would have  
4 been documented, as you saw back in the  
5 notes that I reference to her, in terms  
6 of providing her with a less than  
7 satisfactory rating within domain two of  
8 her evaluation. As a matter of practice,  
9 any staff member who receives an  
10 unsatisfactory rating would then be put  
11 on a performance improvement plan. So  
12 that would have been the only document --  
13 the only documentation to that as well as  
14 the -- I believe the settlement or the  
15 mediation, the hearing results that would  
16 have directed us to remove the  
17 performance improvement plan. So that  
18 would have been included in her folder as  
19 evidence that that would have been a  
20 course of action taken by the, the  
21 administration within the school  
22 district.

23 Q. And then it was removed?

24 A. Yes.

1           Q.     Okay. I just want to show  
2     you another -- oops -- another document.  
3     I'm, I'm almost done. I think, within  
4     the next half hour, I should be done.  
5     I'm trying to go as quickly as possible  
6     to finish up here.

7           A.     Okay. Thank you.

8           Q.     Yeah.  
9                    Sorry, my Zoom is acting up.  
10                   Okay. Are you able to see  
11     my screen?

12          A.     Yes.

13          Q.     Have you ever seen this  
14     document before?

15          A.     No.

16          Q.     For the record, this is  
17     [REDACTED] disciplinary file that was  
18     provided by the North Penn School  
19     District as document production in this  
20     case, and it's the three incidents that  
21     are listed, and it's Page 4 of 4 of one  
22     of the sets of documents that was  
23     provided to plaintiffs in this case.

24          A.     Mm-hmm.

1           Q.     The incident the third one  
2 listed, at Gwynedd Square Elementary,  
3 listed as obscene language and gesture, I  
4 can represent to you, at the deposition  
5 of Bill Bowen, he said this is what he  
6 documented as the incidents that had  
7 occurred in sixth grade with [REDACTED] [REDACTED]  
8 that we've spent the last hour or so  
9 going over.

10                     Is this appropriately -- or,  
11 accurately documented in [REDACTED] file as  
12 to what happened?

13           A.     I can't speak to that.

14                     MS. JORDAN: Note my  
15 objection to the form of the question.  
16 You can answer.

17                     THE WITNESS: I don't know.  
18 I'm not responsible for student's  
19 discipline file folder in my role as  
20 director of human resources.

21 BY MS. LAUGHLIN:

22           Q.     Well, I think, even by your  
23 categorization of what had happened to at  
24 least [REDACTED] and the other girl that had

1     come forward in sixth grade, that you had  
2     classified it as sexual harassment; is  
3     that right?

4                     MS. JORDAN:   Note my  
5     objection to the form of the question.  
6                     You can answer.

7                     THE WITNESS:   That was how  
8     the administration did view it, yes.

9     BY MS. LAUGHLIN:

10                    Q.     Okay.   Would you agree with  
11    me that the administration did not view  
12    what happened as an obscene language or  
13    gesture by a student?

14                    A.     I indicated that we deemed  
15    it to be sexual harassment.

16                    Q.     Okay.   Are you familiar with  
17    what an obscene language or gesture is in  
18    terms of student conduct at the district?

19                    A.     I think it takes many  
20    different examples.   I mean, it can be  
21    demonstrated in a variety of different  
22    ways.   There isn't one clear cut area of  
23    it, but.

24                    Q.     Are you aware that [REDACTED]



1 according to this, got one day of  
2 in-school suspension?

3 A. I don't, I don't know.  
4 Again, I -- you know, that would have  
5 been dealt with through the director of  
6 elementary and the principal, with the  
7 parents as appropriate. So the two  
8 situations were happening parallel. I'm  
9 dealing with the, the staff member and  
10 that discipline, they're dealing with the  
11 students.

12 Q. Okay. Would you agree with  
13 me that the incidents that we just went  
14 over in sixth grade with [REDACTED] that it  
15 wasn't just limited to an incident on  
16 April 9th, 2015, would you agree with  
17 that?

18 A. I would, yes.

19 Q. From your understanding,  
20 would the incidents be each of the dates  
21 that [REDACTED] touched each of the students?

22 A. I think what was, what was  
23 entered in here and what was reacted to  
24 by the administration was the date in

1 April that we knew of it occurring. To  
2 go back and retroactively discipline a  
3 student for that which occurred in  
4 November but was never reported to us  
5 would be very questionable for a student  
6 because there wasn't an investigation  
7 into those occurrences done. So I  
8 believe what was happening is this was  
9 being captured on the incident date that  
10 we knew had been reported and had been  
11 dealt with for the student at that time.

12 Q. I guess, just to clarify or  
13 make sure I'm understanding, because  
14 there was an incident -- I think Paige  
15 was the girl's name that had reported in  
16 April, but then there were several other  
17 students who had reported being  
18 inappropriately sexually touched by  
19 [REDACTED] as well. Are you referring that  
20 this incident would refer to Paige, is  
21 that how you're interpreting it?

22 A. I --

23 MS. JORDAN: Note my  
24 objection to the form of the question.

1                   You can answer.

2                   THE WITNESS: I don't know.

3           And again, a one-page summary does not  
4           demonstrate or share with us the  
5           details of the incident. So, you  
6           know, it only allows one date in the  
7           date range for each occurrence. I  
8           don't know if, when you click on that  
9           in the live version, it takes you into  
10          more detailed notes and information  
11          surrounding the event and the issue  
12          and the incident. I don't know. I've  
13          not seen this report, I'm not familiar  
14          with it, I don't know the software  
15          that the high school is using to, to  
16          develop this type of report. It was  
17          not something that I had ever accessed  
18          or used.

19       BY MS. LAUGHLIN:

20               Q.       I'll just show you, very  
21       briefly, the record that was produced to  
22       me for [REDACTED] entire file. It's the  
23       student transcript and then more grades,  
24       third page of grades -- oops, sorry --

1 and then the fourth page we just went  
2 over with the discipline, and then the  
3 second was -- it's a one-page document,  
4 which describes the sexual harassment of  
5 the two students at the middle school.

6 Based on everything we've  
7 talked about so far about [REDACTED]  
8 involvement in all of the incidents in --  
9 at Gwynedd Square and this incident here  
10 that's noted at middle school, would you  
11 expect, as the director -- or, sorry --  
12 the, the HR director/Title IX  
13 coordinator, for there to be more  
14 documentation of these incidents in  
15 [REDACTED] file?

16 MS. JORDAN: Note my  
17 objection to the form of the question.  
18 You can answer.

19 THE WITNESS: I, I do not  
20 think that this is a comprehensive  
21 review. I -- the elementary schools  
22 were not on an electronically-based  
23 discipline reporting system. So  
24 again, I'm going to reference the file

1 system that we used and the actual  
2 notes that, that you have surrounding  
3 the situation with [REDACTED] and with  
4 [REDACTED] that that would have been the  
5 rendering. There's no way to capture  
6 in this situation -- in this summary,  
7 when the elementary at the time, back  
8 in 2015 when this was occurring, did  
9 not have access to an electronic  
10 discipline history. So, I would  
11 venture to say that this is a  
12 rendering and a capturing of the  
13 details related to the incidences at  
14 Gwynedd Square within the paper copy  
15 of that folder.

16 BY MS. LAUGHLIN:

17 Q. When the district had  
18 switched over to electronic versions and  
19 was no longer doing things in paper  
20 folders and things like that, do you know  
21 what the process was, if any, to make  
22 sure that the paper files were converted  
23 into electronic versions?

24 A. I don't. And I don't even,

1 I don't even know that the elementary are  
2 on an electronic version at this point.  
3 It can be, you know, a disparity in the  
4 way that things are happening across the  
5 district. So the, you know, middle and  
6 high schools can have, you know, this  
7 electronic entry of reporting and things  
8 of that nature. You saw the form that  
9 the elementarys created. So it was, was  
10 not, obviously, in place for the  
11 elementary at the time. I can't speak to  
12 what they might be doing now or if and  
13 how a transition would have occurred to  
14 capture that information. But obviously  
15 you know the information was captured  
16 because you have been entering them as,  
17 as components of our discussion today.  
18 So documentation was maintained for this  
19 particular incident.

20 Q. Well the documentation that  
21 we had just gone over.

22 A. Yes.

23 Q. Is there other documentation  
24 that should have been captured? Because

1 the ones that I showed you is the only  
2 documentation that I'm aware of. Do you  
3 know whether there should be additional  
4 documentation that you're referring to  
5 that should be in this file?

6 A. I don't. If I was involved,  
7 that's the documentation that's, that's  
8 had. My point in referencing it was that  
9 we had captured what happened on April  
10 9th, even though it was not in this  
11 electronic version, which only allows  
12 certain points to be referenced in a  
13 summary format. But there are supporting  
14 documents in a paper way to speak to the  
15 level of detail that -- on the occurrence  
16 of what happened in April.

17 Q. But you're not -- to be  
18 clear, you're not sure where those  
19 documents are housed? Like, all the  
20 documents that we've been going over, you  
21 don't know exactly where those documents  
22 are, are kept for this particular  
23 incidents?

24 MS. JORDAN: Note my

1 objection to the form of the question.

2 You can answer.

3 THE WITNESS: At the  
4 elementary level, they would have been  
5 maintained in the student's discipline  
6 folder, as it relates to the student.  
7 The documents that we have been  
8 dealing with, in terms of discipline  
9 for the staff member, were maintained  
10 through my office, as the director of  
11 human resources, both electronically  
12 and in a handwritten format in the  
13 folder.

14 BY MS. LAUGHLIN:

15 Q. So I understand that they're  
16 separate, the employee versus the  
17 students, but I'm going to ask you about  
18 the students to clarify and make sure I'm  
19 understanding what you're saying.

20 The documentation of what we  
21 had gone over, this statement of Betty  
22 Santoro, the summary that Bill Bowen  
23 created, your handwritten notes of the  
24 grievance procedures and stuff with Holly



1 Andrew, do you -- I mean, when I got the  
2 file of [REDACTED] [REDACTED] none of that was in  
3 it. And so, in your experience as the  
4 director of Title IX, should those  
5 documents have been in the student's  
6 file, since it involved Title IX issues?

7 A. I don't believe that the  
8 investigation of a staff member's  
9 performance as it relates to the issue  
10 should be in a student's folder. The  
11 student discipline with regard to the  
12 suspension and student statements and an  
13 investigation at the building level that  
14 constituted the suspension should be in a  
15 student's discipline folder.

16 Q. Okay. Are there any  
17 conversation with Dr. Dietrich that you  
18 can recall that we didn't already talk  
19 about involving [REDACTED] or [REDACTED] or, you  
20 know, [REDACTED] generally in the school  
21 system?

22 A. No. Not that I can recall.

23 Q. What about any conversations  
24 with Dr. Bauer, do you remember any

1 conversations we haven't talked about?

2 Sorry, did you answer?

3 A. No. I was pausing to think.

4 Q. Oh, okay. Sorry.

5 A. I don't believe so. Dr.

6 Bauer would not have been involved in the  
7 Gwynedd Square situation, so no.

8 Q. Because he was the principal  
9 at North Penn High School at the time?

10 A. Yes.

11 Q. Did you ever talk with  
12 [REDACTED] [REDACTED] about any of this?

13 A. No. I don't believe I had  
14 interactions with the students.

15 Q. Did you ever talk to Mrs.  
16 [REDACTED] [REDACTED] mom, or her father  
17 or any other family member of [REDACTED]  
18 about this?

19 A. I don't believe so. I  
20 believe Dr. Santoro was the liaison and  
21 the conduit to that.

22 Q. Do you recall, did you ever  
23 have any conversations with [REDACTED] or  
24 [REDACTED] parents?

1           A.     Nope.

2           Q.     Was there any -- after the  
3 incidents in 2015, were there any changes  
4 to any policies or procedures at the  
5 district, related to this?

6           A.     I don't recall.

7           Q.     Do you recall whether there  
8 was any additional training that was  
9 implemented as a result of what had  
10 happened at Gwynedd Square and [REDACTED]

11          A.     I don't recall.

12          Q.     Was there any -- you talk  
13 about you're responsible for the review  
14 of district employees and staff -- was  
15 there any review of how Dr. -- or,  
16 Mr. Bowen had handled the situation at  
17 Gwynedd Square?

18          A.     That would have been done by  
19 his director supervisor, if it occurred.  
20 So that would have been done by Dr.  
21 Santoro. Typically, there is a review  
22 of, you know, our practices and what  
23 we've done following an incident. So, I  
24 would anticipate that having happened,

1 but I can't, I can't, you know, attest to  
2 that.

3 Q. Would that have been  
4 documented in some way, if that did  
5 occur?

6 A. I don't know.

7 Q. As director of HR, is that  
8 something that would be under your  
9 responsibility, to document somewhere if  
10 things had been reviewed after an  
11 incident like this had occurred?

12 A. If there was a question or a  
13 concern with the way in which it had been  
14 handled and if there was discipline that  
15 would need to have occurred with the  
16 individual handling the situation, then I  
17 would be made aware of it. But if not,  
18 then it might have been, you know, a  
19 question -- or, a conversation, rather,  
20 between the supervisor and the  
21 administrator.

22 Q. So you don't know whether  
23 that had occurred, either way, in this  
24 case --

1           A.       I --

2           Q.       -- with Bill Bowen and Dr.  
3 Santoro?

4           A.       I do not.

5           Q.       Just give me one second, I  
6 want to review my notes.

7                    The job description for the  
8 role of director of HR, is that somewhere  
9 online, or do you know where that's kept?

10          A.       I believe that the current  
11 administration within the human resources  
12 department would have that available. I  
13 don't know if the position descriptions  
14 are online or not.

15          Q.       Okay.

16                   MS. LAUGHLIN: All right.  
17 Those are all the questions I have for  
18 you, Dr. McCue.

19                   THE WITNESS: Thank you.

20                   MS. JORDAN: I will take a  
21 copy; e-mailed, hard, full-size.

22                   (Whereupon, the deposition  
23 concluded at 5:16 p.m.)

24                   (Whereupon, deposition

1           Exhibit-A was marked for  
2           identification.)  
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CERTIFICATE

I HEREBY CERTIFY that the  
witness was duly sworn by me and that the  
deposition is a true record of the  
testimony given by the witness.

A handwritten signature in blue ink, appearing to read "Ben Pieczynski, Jr.", is written over a horizontal line.

BEN PIECZYNSKI, JR., a  
Professional  
Reporter and Notary Public  
Dated: September 24th, 2021

(The foregoing certification  
of this transcript does not apply to any  
reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

1	LAWYER 'S NOTES		
2	PAGE	LINE	
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# EXHIBIT “H”

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                               -   -   -

4  
5           JANE DOE,                               :  
            Plaintiff,                            :  
  :   CIVIL ACTION  
6           v.                                    :   NO. 2:20-CV-  
  :   05142  
7           NORTH PENN SCHOOL                   :  
            DISTRICT,                           :  
8           Defendant.                           :  
9                               -   -   -

10                           August 11, 2021  
11                           -   -   -

12  
13                               Remote oral deposition of  
14           CURTIS DIETRICH, taken pursuant to  
15           notice, was conducted at the location of  
16           the witness, beginning at 10:03 a.m., on  
17           the above date, before Ben Pieczynski,  
18           Jr., a Professional Reporter and Notary  
19           Public for the Commonwealth of  
20           Pennsylvania.

21                               -   -   -

22                               GOLKOW LITIGATION SERVICES  
23                               877.370.3377 ph| 917.951.5672  
24                               deps@golkow.com

1 APPEARANCES:

2  
3 FREIWALD LAW

BY: LAURA E. LAUGHLIN, ESQUIRE

4 1500 Walnut Street

Suite 1801

5 Philadelphia, Pennsylvania 19102

(215) 875-8000

6 lel@freiwaldlaw.com

Representing the Plaintiff

7 (Via Zoom web conference)

8  
HENDRZAK & LLOYD

9 BY: MAUREEN A. JORDAN, ESQUIRE

3701 Corporate Center Parkway

10 Suite 100

Center Valley, Pennsylvania 18034

11 (610) 709-8705

maureen.jordan@zurichna.com

12 Representing the Defendant

(Via Zoom web conference)

13  
14 WISLER PEARLSTINE, LLP

BY: KYLE J. SOMERS, ESQUIRE

15 460 Norristown Road

Suite 110

16 Blue Bell, Pennsylvania 19422

(610) 825-8400

17 ksomers@wispearl.com

Representing the Defendant

18 (Via Zoom web conference)

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Testimony of: CURTIS DIETRICH  
By Ms. Laughlin 5

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NO.	DESCRIPTION	PAGE
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DEPOSITION SUPPORT INDEX

DIRECTIONS NOT TO ANSWER:

PAGES: None

REQUESTS FOR DOCUMENTS OR INFORMATION:

PAGES: 49, Line 16; 114, Line 15

STIPULATIONS AND/OR STATEMENTS:

PAGES: 5

MARKED QUESTIONS:

PAGES: None



1     Golkow Remote Room 44, that's our court  
2     reporter, and he's the one that's taking  
3     the transcription.

4                     Have you ever been in a  
5     deposition before today?

6             A.     I have.

7             Q.     Okay. So, how long ago was  
8     that deposition you were in?

9             A.     How long ago, probably five,  
10    six years ago.

11            Q.     Okay. And was it only one  
12    prior deposition that you gave?

13            A.     That sounds right, but I'm  
14    not positive, Laura.

15            Q.     Okay. So if it was five to  
16    six years ago, it was probably a little  
17    bit of a different format than it is  
18    today. As you know, the world's changed  
19    a bit since the last few years. And so,  
20    normally the court reporter would be in  
21    the room with you, and I would be in the  
22    room with you, and so that may be why it  
23    looks a little confusing on Zoom. I'm  
24    going to give you some instructions,

1   probably most similar to what you had in  
2   your last deposition five to six years  
3   ago.

4                   But since the court reporter  
5   is here taking down everything that is  
6   said, all of your answers have to be  
7   verbal. So no nods of the heads or uh-uh  
8   or uh-huh, okay?

9           A.     Got it.

10          Q.     And you can just leave  
11   yourself off of mute. I think we have  
12   Ms. Jordan and Mr. Somers muting  
13   themselves so we don't get that -- the  
14   feedback. But since, I think you'll be  
15   doing a lot of talking today, it's  
16   probably easier to stay off --

17          A.     Sounds like a plan.

18          Q.     Okay. Since we have the  
19   court reporter taking down everything  
20   that's said, you'll probably be able to  
21   anticipate where some of my questions are  
22   going, but I would just ask that you wait  
23   for me to finish my question, and I'll  
24   try and wait for you to finish your



1 answer, so we have a clear transcript,  
2 okay?

3 A. Okay.

4 Q. If I start asking my next  
5 question and you weren't done your  
6 answer, just let me know so that I can  
7 let you finish before I start my next  
8 question, all right? Okay?

9 A. That's fine.

10 Q. Okay. If you have any  
11 questions about any of my questions that  
12 I ask you today, if you don't understand,  
13 or it comes out a little jumbled, just  
14 let me know, and I'll try and rephrase  
15 it.

16 A. I'll do that.

17 Q. If you don't ask me to  
18 rephrase and answer the question, we're  
19 all going to assume that you understood  
20 because I gave you that instruction, all  
21 right?

22 A. Understood.

23 Q. Since we're on Zoom, there  
24 may be times where things may cut out or,

1    you know, you freeze or something like  
2    that.  So, if you don't hear a part of my  
3    question or you miss something, just let  
4    me know, and I'll try and get everything  
5    back on track, okay?

6           A.     Okay.

7           Q.     If there is any time today  
8    you need a break, just let me know, and  
9    we can do so.  The only time I ask that  
10   we wait is that if there's a question  
11   pending, that you answer the question  
12   before we take our break, okay?

13          A.     Understood.

14          Q.     I'm going to be asking you  
15   some questions about things that have  
16   occurred around, you know, 2014 to the  
17   present.  So there may be times that I  
18   ask a question that you don't remember  
19   the answer.  If that's the truthful  
20   answer, it's okay to say you don't  
21   remember, okay?

22          A.     Understood.

23          Q.     I don't want you to guess at  
24   anything.

1           A.     Understood.

2           Q.     If -- you might not know,  
3     like, an exact date or, you know,  
4     whatever, that's fine, just let us know  
5     that you're estimating. If it's, like,  
6     around this timeframe or something like  
7     that, you can give estimations.

8           A.     I'll do that.

9           Q.     My last, my last instruction  
10    for you is I'm going to be asking you  
11    about conversations you had with  
12    different people or what you recall about  
13    meetings, things like that. If there  
14    were private conversations with Ms.  
15    Jordan or Mr. Somers where they're giving  
16    you legal advice, I'm not asking you for  
17    those conversations. Those are off  
18    limits, okay?

19          A.     Understood.

20          Q.     All right. When you gave  
21    your deposition, you said five to six  
22    years ago, was that as superintendent of  
23    the North Penn School District?

24          A.     I've been the superintendent

1 here since 2010, so that would have been.  
2 But I have to say, Ms. Laughlin, I don't  
3 remember the specifics of the last time I  
4 gave a deposition. So, I'm not positive  
5 about it.

6 Q. You're not sure whether it  
7 involved -- the case involved North Penn  
8 School District?

9 A. That's correct.

10 Q. Do you know whether it was,  
11 like, a personal capacity, like a car  
12 accident or something like that?

13 A. No, nothing like that.

14 Q. Okay. Was it more involved  
15 in your professional capacity?

16 A. There was a situation in a  
17 previous district I had worked where  
18 there was a case there, and I needed to  
19 return to that district to be helpful.  
20 So I think -- that's the one I'm thinking  
21 of, so.

22 Q. And what district was that?

23 A. Saucon Valley School  
24 District.

1           Q.     Were you the superintendent  
2 of Saucon Valley?

3           A.     I was not.

4           Q.     What was your role at Saucon  
5 Valley?

6           A.     High school principal.

7           Q.     And when did you -- how --  
8 from what years did you hold that role?

9           A.     I was the high school  
10 principal of Saucon High from 1996 to  
11 2006.

12          Q.     And then what did you do  
13 from 2006 to 2010, when you became the  
14 superintendent of North Penn School  
15 District?

16          A.     I was the assistant  
17 superintendent of the North Penn School  
18 District.

19          Q.     Saucon Valley High School  
20 principal, what district is that within?

21          A.     Saucon Valley School  
22 District.

23          Q.     Okay. Can you tell me a bit  
24 about your educational background, just

1 kind of summarize from undergrad, where  
2 you went to grad school, just kind of lay  
3 that out for me.

4 A. I earned a bachelor of  
5 science in dairy science from  
6 Pennsylvania State University, or  
7 commonly known as Penn State, in 1981. I  
8 earned a master's degree from Lehigh  
9 University 1986. I earned a doctorate in  
10 educational administration from Lehigh  
11 University in 2001, I believe, was the  
12 exact date.

13 Q. And you said a doctorate in  
14 administrative --

15 A. Educational --

16 Q. -- what was --

17 A. Educational administration.

18 Q. Okay. You say, an  
19 undergrad, you studied dairy science?

20 A. I did. I grew up in a dairy  
21 farm in Lehigh County, a large operating  
22 farm, and it was my full intention to,  
23 you know, be a part of that, and I was  
24 initially a part of that farm

1 partnership, that business with my father  
2 and my brother, but I left that business  
3 to pursue education and as a career.

4 Q. Okay. Your master's in  
5 Lehigh, what was your master's degree  
6 focus?

7 A. Educational administration.

8 Q. Was the master's at Lehigh  
9 in educational administration the first  
10 time that your education really focused  
11 on education?

12 A. No. I had taken some  
13 additional coursework at Cedar Creek  
14 College, in order to get teacher  
15 certification. I did not earn a teacher  
16 certification at Penn State University.  
17 Instead, I went to Cedar Crest College to  
18 obtain the necessary credits and  
19 credentialing to be able to be a biology  
20 and chemistry teacher.

21 Q. And when did you -- do you  
22 know the years you did that?

23 A. That was 1986. That would  
24 have been in 1986.

1           Q.     That's when you went there,  
2     or that's when you got your certificate?

3           A.     That's when I got my  
4     certificate.  So, I wasn't there long.  I  
5     didn't need very many credits.  But I  
6     think I answered that the doctorate was  
7     '86.  I think -- I'm sorry --

8           Q.     The master's.

9           A.     -- the master's was '86.  
10    That master's was probably '88, then.  I  
11    think '86 was the Cedar Crest.

12          Q.     Okay.  So you got a  
13    certificate from Cedar Crest to be able  
14    to teach biology and chemistry; is that  
15    right?

16          A.     Well, the way it works is  
17    you need to have a sponsor in college or  
18    university that has an educational  
19    program to be able to recommend a PDE  
20    that you should receive a teaching  
21    certificate.  So, there was some  
22    necessary coursework I needed to complete  
23    at Cedar Crest College, for which, then,  
24    they were satisfied that I was prepared



1 and ready to be a teacher, and then they  
2 signed the application for me to obtain  
3 the teacher certification.

4 Q. Okay. And then, so --

5 A. I didn't obtain an actual  
6 degree from them.

7 Q. Okay. Who -- did you have a  
8 teacher certification, then, at some  
9 point?

10 A. Chemistry and biology.

11 Q. Okay. Who --

12 A. Teacher certification.

13 Q. I apologize, go ahead.

14 A. Teacher certification in  
15 chemistry and biology.

16 Q. Who is the certification  
17 from, though?

18 A. Pennsylvania Department of  
19 Education.

20 Q. Was there any, like,  
21 classroom shadowing or anything like that  
22 that was required for that certification?

23 A. No. There was no classroom  
24 shadowing.

1           Q.     Okay.  Safe to say that you  
2     didn't do any, like, classroom shadowing  
3     or anything like that to obtain that  
4     certification, then; is that right?

5           A.     No.  It wasn't necessary to  
6     do classroom shadowing to get that  
7     certification, that's correct.

8           Q.     Okay.  In your master's  
9     degree in educational administration, was  
10    that a two-year program, then?

11          A.     That was 30 credits, if I'm  
12    remembering correctly.  So, it was  
13    approximately -- I don't remember exactly  
14    how many were each year, but I took  
15    credits pretty aggressively to be able to  
16    complete that master's.

17          Q.     Were you doing that  
18    full-time?

19          A.     No.

20          Q.     What, what were you -- were  
21    you also dairy farming at the time, or  
22    what were your splitting your time  
23    between?

24          A.     I was teaching chemistry and

1 biology during that time period.

2 Q. Where at?

3 A. Salisbury Township School  
4 District.

5 Q. And so were you a full-time  
6 teacher at that point?

7 A. Initially I was part-time  
8 and then, eventually, I was made  
9 full-time.

10 Q. I know you were at Salisbury  
11 Township, but did you have a particular  
12 school that you were assigned to?

13 A. The Salisbury Township  
14 School District has a high school,  
15 Salisbury High School, so I started there  
16 part-time. I had a intern teaching  
17 certificate, so I did not need to do  
18 student teaching. They had a program,  
19 because there was a shortage of  
20 science-certified teachers, where you  
21 could get into the teaching program with  
22 an intern certificate and not have  
23 completed the student teaching program,  
24 at that time period. So I came in under

1 the intern program, and I was teaching  
2 from day one with the intern certificate.  
3 And then as I completed the necessary  
4 coursework simultaneously with -- at  
5 Cedar Crest College, then I was  
6 recommended for your standard level one  
7 of teaching certificate.

8 Q. Okay. When did you go to  
9 be, like, a full-time teacher; did that  
10 happen?

11 A. It did. Full-time -- I  
12 believe full-time would have been in the  
13 '87/'88 school year.

14 Q. And in the sciences still?

15 A. Correct.

16 Then I also taught at the  
17 middle school level too, in Salisbury  
18 Township, because they needed to have  
19 some classes covered at the middle  
20 school. So I taught both in the high  
21 school and the middle school, Salisbury  
22 Middle School and then Salisbury High  
23 School.

24 Q. And were you teaching at the

1 middle school -- or, when you were  
2 teaching at the middle school, did you  
3 stop teaching at the high school?

4 A. No. I was split between the  
5 buildings.

6 Q. How did that work out?

7 A. If the train didn't come, I  
8 was on time. If the train came through,  
9 I would be late to the middle school, and  
10 there was nothing I could do about it,  
11 and the students would be waiting for me,  
12 and when I arrived then, they were  
13 well-behaved. But I think I had it  
14 figured out, that there was somebody kind  
15 of watching to see when I was rounding  
16 the corner, and the rest of the class was  
17 told to quickly get quiet because here  
18 comes Mr. Dietrich.

19 Q. So, just so I understand,  
20 like, during a Monday, you may have, say,  
21 seventh period at the high school and  
22 second period at the middle school, is  
23 that kind of how it broke out?

24 A. So the Monday, Tuesday,

1 Wednesday, Thursday, Friday was the same.  
2 So, during the time I was split between  
3 the two schools, my recollection is that  
4 I started at the middle school -- no -- I  
5 started at the high school, because I  
6 would have to be careful about the train  
7 midday at the middle school. So I  
8 started at the high school and then I  
9 traveled to the middle school, and I end  
10 my day at the middle school.

11 Q. Okay. And so you were  
12 teaching during the day, and then were  
13 you taking the credits for the master's  
14 that's in the evenings?

15 A. Yes, and summers.

16 Q. Okay. While you were a  
17 teacher at Salisbury Township School  
18 District did you undergo any training  
19 related to Title IX?

20 A. I don't recall.

21 Q. What about in your master's  
22 program at Lehigh, do you recall any  
23 training on Title IX?

24 A. So, there were different

1 classes at Lehigh, and one of those  
2 classes was school law, for example. So  
3 I completed the school law class. So,  
4 they would have covered any relevant kind  
5 of, you know, coursework that was  
6 necessary to understand the whole breadth  
7 of school law. So, whatever would have  
8 been included there would have been in --  
9 I would say, most likely, would have been  
10 in the school law class.

11 Q. Okay. Do you recall  
12 actually receiving -- I know school law  
13 could probably be a pretty broad range of  
14 topics throughout a semester -- do you  
15 recall receiving any instruction on Title  
16 IX?

17 A. I can't give you specifics  
18 on the, you know, content of the actual  
19 class. I certainly remember certain  
20 cases, but there's nothing that's Title  
21 IX that, you know, I can recall from that  
22 class. That's quite a while ago, when I  
23 was there taking school law. But I had  
24 an outstanding professor, so.

1           Q.       That's why -- I mean, I am  
2 going to be asking you questions, you  
3 know, quite a years back, so that's why I  
4 gave you that instruction. If you don't  
5 remember, if that's the truth, that's a  
6 fine answer.

7                   The -- do you recall, in the  
8 education law course, having any  
9 discussion or instruction on  
10 student-on-student sexual harassment?

11           A.       I don't recall.

12           Q.       Once you completed your  
13 master's in Lehigh in 1988, what were you  
14 doing then for work?

15           A.       I was teaching science at  
16 the, the Salisbury Township School  
17 District.

18           Q.       And was that still split  
19 between the high school and the middle  
20 school there?

21           A.       No. I was, I believe,  
22 entirely at the high school. There's a  
23 gap in there where I was furloughed from  
24 teaching, and I worked for the Lehigh



1 Area Vocational Technical School doing  
2 industry education coordination work  
3 under a Perkins Grant that they had. So,  
4 I think that was roughly the time, then,  
5 when I was furloughed. So, 19 -- the  
6 1988/1999 (sic) school year, I spent at  
7 the East Penn School District, Emmaus  
8 High School, as an assistant principal  
9 teaching on assignment. I didn't have my  
10 principal certification yet because you  
11 need five years of teaching experience.  
12 So I was in as a intern assistant  
13 principal in the East Penn School  
14 District at Emmaus High School; that was  
15 1988/89.

16 Q. Okay. Was that assistant  
17 principal role, was that your first time  
18 working in the administration level at a  
19 school?

20 A. In administration, that's  
21 correct.

22 Q. Do you recall whether you  
23 underwent any additional training to be  
24 going from a teacher to administrator's

1 role in a school district?

2 A. In terms of provided by East  
3 Penn or through the Lehigh program? I'm  
4 not sure I understand.

5 Q. I guess, I guess both,  
6 either or.

7 A. Okay. Well the whole, the  
8 whole design of the Lehigh program was to  
9 obtain principal certification. So they  
10 have a series of courses that you take,  
11 so at the conclusion of the program  
12 you're in principal certification. And  
13 then the second part of your question  
14 was, at East Penn School District, or  
15 what do you mean?

16 Q. Yeah. When you were the  
17 assistant principal, did you receive any  
18 training from that district about taking  
19 on that role, administrative role, for  
20 the first time?

21 A. Just the normal, if there  
22 were administrative meetings, I would be  
23 a part of those. I was, you know,  
24 permitted to and expected to attend, and

1 I did attend, administrative meetings  
2 when I was in that role for a year. It  
3 wasn't a -- like, a special program for  
4 me or, like, an induction program or  
5 anything like that, no.

6 Q. When you mention the Lehigh  
7 program, was, like, get a principal's  
8 certification?

9 A. That's correct.

10 Q. Are you talking about the  
11 master's at Lehigh?

12 A. Yes.

13 Q. Okay. So why -- did I hear  
14 you correctly that you said, in 1988,  
15 though, you didn't have your principal  
16 certification?

17 A. No.

18 Q. And that's --

19 A. So I had gotten laid off or  
20 furloughed from teaching at Salisbury and  
21 the superintendent of East Penn School  
22 District, Bill Leary, had contacted  
23 Lehigh University to see if they had  
24 anyone in their program who would be able

1 to come and serve as a one-year to take  
2 the place of an individual on sabbatical,  
3 one-year assistant principal. They  
4 explained that they had a candidate, Curt  
5 Dietrich, who doesn't have certification  
6 yet, not yet completed certification,  
7 because you need a five-year teaching  
8 requirement to be met. But he said, I'm  
9 still interested in this candidate, I'd  
10 like to meet and interview him; he did  
11 that. He brought me then under intern  
12 status to be an assistant principal  
13 intern, if you will, for that person on  
14 sabbatical.

15 Q. And then, after 1989, when  
16 you were done your assistant principal  
17 role, what did you do next?

18 A. I was industry education  
19 coordinator at Lehigh Valley Area  
20 Vocational Technical School.

21 Q. And how long did you do that  
22 from?

23 A. Well, that overlapped then,  
24 also. So initially, initially that was

1 full-time, but then Salisbury Township, I  
2 had refault rights. So I was able to  
3 come back and do halftime back at  
4 Salisbury Township and continue the  
5 industry education coordination job  
6 halftime at Lehigh Valley Area Vocational  
7 Technical School. So there was a little  
8 overlap in there when, initially, I was  
9 full-time at Lehigh Valley Area  
10 Vocational Technical School, and I was  
11 part-time split between that vo-tech  
12 school and Salisbury Township. So I'd  
13 have to go back and look at, you know,  
14 the records on my resume to remember  
15 exactly what years those were.

16 Q. The industry coordinator  
17 position, can you just give me a summary  
18 of what that entailed?

19 A. Yes.

20 So my job responsibilities  
21 were to contact various businesses to see  
22 if they had a need for job retraining.  
23 So if they had a workforce that could  
24 benefit from job retraining or job

1 expansion responsibilities, I would  
2 arrange the training provided by the  
3 vo-tech teachers in the, either,  
4 afternoon or evening hours so that that  
5 company could get the latest skills, you  
6 know, taught to their workforce.

7 Q. So, was that role not  
8 necessarily like education, like a K  
9 through 12 education, but more education  
10 provided by this vo-tech school for  
11 companies in the area?

12 A. It was in the Continuing  
13 Education Department of the Lehigh County  
14 Area Vocational Technical School. So  
15 that was one of the division of Lehigh  
16 Valley Area Vocational Technical School,  
17 they had a continuing ed program. So  
18 they ran, like, the evening programs  
19 where somebody might want to avail  
20 themselves to a course in the evening,  
21 machining or welding or cake decorating  
22 or hydroponics or, you know, some area of  
23 what they taught at the vo-tech school  
24 during the day. They had a continuing ed

1 program.

2 Q. Okay. What did you do after  
3 that?

4 A. I was recalled then to go  
5 back to Salisbury Township School  
6 District and taught there until 1993. In  
7 1993, then, I was the assistant principal  
8 of the Kutztown Area School District High  
9 School, Kutztown Area High School. That  
10 was from 1993 to 1996.

11 Q. And at this point, did you  
12 have your principal certificate?

13 A. I did.

14 Q. Was the role at Kutztown  
15 Area High School, the role that was open,  
16 was that just the assistant principal  
17 position?

18 A. It was the assistant  
19 principal position.

20 Q. If you had a principal  
21 certificate, is it common for people  
22 with a principal certificate to become  
23 assistant principals versus the  
24 principal?

1           A.     For middle schools and high  
2 schools, yes. Not necessarily for  
3 elementary schools. Assistant principals  
4 are not common at elementary schools.  
5 But I have -- I actually know of no one,  
6 whoever, went directly from teacher to  
7 the building principal at the high school  
8 level.

9           Q.     Okay.

10          A.     They go through an assistant  
11 principal first, and then they would be  
12 promoted to principal.

13          Q.     When you were the assistant  
14 principal at Kutztown Area High School,  
15 were you responsible at all for providing  
16 training to teachers and staff regarding  
17 Title IX?

18          A.     I was not.

19          Q.     Was there somebody at the  
20 school or district that had that  
21 responsibility?

22          A.     I don't recall who that  
23 would have been.

24          Q.     Do you recall, maybe not the



1 name, but the, like, position or the  
2 level that that person was?

3 A. I'd be guessing, and I  
4 promised you earlier I wouldn't guess.

5 Q. Okay. When you were the  
6 assistant principal at Kutztown Area High  
7 School, do you recall undergoing any kind  
8 of training on Title IX?

9 A. Not specifically.

10 Q. What about nonspecifically?

11 A. Well, when you're a  
12 principal, you know, there are  
13 expectations that you're fully, you know,  
14 knowledgeable of all aspects of the law  
15 so that you can do your job. So, I don't  
16 recall specifically, you know, the  
17 training on that. But if I was able to,  
18 you know, recall all the days of that, I  
19 would be -- likely, I could recall, you  
20 know, some training on that because that  
21 was part of your expectations, you needed  
22 to be knowledgeable. So we would have  
23 inservice training and things like that.  
24 I just don't recall a specific day when

1 it was -- about Title IX.

2 Q. You mentioned, in your last  
3 answer, that principals are excepted to  
4 know all areas of the law; is that  
5 correct?

6 A. Yeah. I think that's  
7 correct, yes.

8 Q. So would that -- just, I  
9 mean, just, I have some clarification  
10 questions, I guess because --

11 A. Sure.

12 Q. -- Ms. Jordan, Mr. Somers  
13 and I, we all practice law. So that's a  
14 broad topic.

15 A. Yeah.

16 Q. If you can narrow that down  
17 a little bit.

18 A. We're not expected, as  
19 principals, to be the solicitor. But in  
20 order to carry out your job  
21 responsibilities, you have to understand,  
22 you know, the levels of, you know,  
23 various laws and what you need to be able  
24 to do and then know when to call the

1 solicitor if it's heading into an area  
2 that you need the solicitor's advice.

3 Q. So solicitor, meaning, like,  
4 the lawyer for the district that --

5 A. Right.

6 Q. -- can help advice on legal  
7 issues; is that correct?

8 A. That's correct.

9 Q. When you say, something that  
10 would be within the principal's  
11 responsibility to know, would that be  
12 something, like, what Title IX is?

13 A. Yes.

14 Q. And would you agree with me  
15 that that also includes, like, what  
16 student-on-student sexual harassment is  
17 under Title IX?

18 A. That would be a part of it.

19 Q. Okay. What about if a  
20 student is sexual harassed under Title  
21 IX, what happens next, like what the  
22 school's responsibility is, is that  
23 something the principal would be expected  
24 to know?

1           A.     The principal would be  
2     expected to be in contact with the school  
3     attorneys, you know, to discuss what the  
4     next steps are, you know, and to discuss  
5     it, that would be common.

6           Q.     So is that -- I guess, now  
7     I'm kind of asking you a more general  
8     question, not just about Kutztown Area  
9     High School. But just so I understand,  
10    since your role was the superintendent  
11    for the North Penn School District in the  
12    relevant time period that we're here to  
13    talk about today, is it your expectation  
14    that the principal, once they recognize  
15    something to be student-on-student sexual  
16    harassment, to then reach out to the  
17    solicitor to --

18          A.     Not --

19          Q.     -- the next steps?

20          A.     Not necessarily directly at  
21    that point in time. You know, if, if the  
22    individual believes that, you know, they  
23    need to have additional consultation,  
24    certainly. We don't see principals

1 generally, reaching the solicitor  
2 directly. Typically that would work its  
3 way through central office, and that  
4 would be discussion, perhaps a meeting,  
5 that would involve multiple parties.

6 Q. When you say central office,  
7 what do you mean?

8 A. So, the central office would  
9 be positions like superintendent,  
10 assistant superintendent, director of  
11 elementary education, any other kinds of  
12 positions that are, like, in a, in a --  
13 if you saw a table of organization, those  
14 would be more towards the top of the list  
15 on the table of organization. So, that  
16 would be your central office.

17 Q. What -- I know you said, in  
18 a certain situation, they may reach out  
19 to the central office, who then may  
20 contact the solicitor, but is there  
21 certain things, as a superintendent, that  
22 you're expecting the principals in a  
23 school district to know under Title IX?

24 A. Like, you're looking for

1 examples or, just, do I expect them to  
2 understand the essence of Title IX? I'm  
3 not sure what you're asking me.

4 Q. Thanks for asking, so I can  
5 clarify.

6 I'm not asking, like, do  
7 they understand the essence of Title IX,  
8 because that could be pretty broad and  
9 difficult to define, but, you know,  
10 would you expect them to know what  
11 student-on-student sexual harassment is,  
12 like, the definition of that, what it is?

13 A. In terms of, like, a cogent  
14 definition or to be able to generally  
15 describe student-on-student sexual  
16 harassment? I would expect them to  
17 understand what student-to-student sexual  
18 harassment is. I'm not sure I would say  
19 you need to be able to give me, you know,  
20 the answer that would be, you know,  
21 specifically worded in a way that's  
22 precise. I think they need to understand  
23 what it is.

24 Q. Okay. And what about after

1 they recognize student-on-student sexual  
2 harassment or something that's been  
3 identified as that, would you expect  
4 them to know the next steps on what to  
5 do after that, like what their  
6 responsibility is as a principal?

7 A. I would expect that they  
8 would know what to do next or they would  
9 ask for assistance on what to do next.

10 Q. Okay. In your experience,  
11 do you know what sexual harassment is,  
12 student-on-student sexual harassment?

13 A. Do I know what it is in  
14 terms of, like, could I describe sexual  
15 harassment or --

16 Q. Yeah. Like, under Title IX,  
17 do you understand, like, what the  
18 definition of student-on-student sexual  
19 harassment is?

20 A. I understand the essence of  
21 student-on-student sexual harassment,  
22 that students -- you know, Title IX  
23 prohibits students from sexually  
24 harassing another student or perhaps a

1 adult to a student or a student to an  
2 adult.

3 Q. And what does, what does  
4 that mean, like, that prevents them from  
5 sexually harassing another student?

6 A. I'm not sure what you mean  
7 by the question. What does that mean?

8 Q. I'm asking, like, what your  
9 definition is. You said that it  
10 prohibits student-on-student sexual  
11 harassment. I'm asking, like, what is  
12 sexual harassment, in terms of Title IX?

13 A. So I think there's an  
14 understanding that there are areas that  
15 are inappropriate for students to be  
16 doing, you know, to another student in  
17 the area of, of a sexual arena. So, if  
18 that is a student saying something that  
19 is unwelcomed (sic) and is, you know,  
20 harassing of a student, you know, that  
21 could be sexual harassment. I think, you  
22 know, physical contact in ways that are  
23 unwelcomed (sic) and not, you know,  
24 appropriate for a school situation could



1 be deemed as sexual harassment; those are  
2 examples.

3 Q. What about a boy's hand  
4 going up a girl's shirt, is that sexual  
5 harassment, in a school setting?

6 A. We would not condone or  
7 permit a boy's going up underneath a  
8 girl's shirt in a school setting, that's  
9 correct.

10 Q. So is that sexual  
11 harassment, then?

12 A. I would likely conclude --  
13 I'd have to hear all the details, but  
14 under your brief description, I would  
15 likely conclude that that would be sexual  
16 harassment.

17 Q. What about digital  
18 penetration in the classroom in high  
19 school, is that under the definition of  
20 sexual harassment, in your understanding?

21 A. Yes. I would say digital  
22 penetration in the classroom would be  
23 deemed to be sexual harassment, yes.

24 Q. When something is suspected

1 to be sexual harassment, what is the  
2 responsibility of the -- you said that  
3 the high school principal had a  
4 responsibility at that point, it's in  
5 school --

6 A. So --

7 Q. -- responsibility on sexual  
8 harassment.

9 A. The training we've gotten is  
10 that you collect what they call the  
11 minimal facts, so in other words, what  
12 you know and what's been apparent, and  
13 that you then turn that over to a group  
14 called Mission Kids, so the then district  
15 attorney -- when I say then, I mean  
16 during, I think, pretty much the time  
17 period we're talking about for this  
18 particular case -- Risa Ferman made it  
19 very clear that we are to gather minimal  
20 facts and then turn it to Mission Kids,  
21 and we were not to have conversations  
22 that got into detail or cross-examining  
23 or, you know, asking for a lot of detail.  
24 They wanted that opportunity to happen at

1 Mission Kids. So that was the training  
2 we had gotten and that was the  
3 expectation set, you know, with our  
4 principals.

5 Q. When you say the expect --  
6 or, I'm sorry -- the training you got on  
7 that, can you estimate for me or tell me  
8 when that training was?

9 A. So you said estimate but  
10 don't guess.

11 Q. Right. So if you, you can't  
12 even, like, narrow it down and there's no  
13 way you can even give me, like, a  
14 reasonable estimation, that would be a  
15 guess. But if it's something like, oh,  
16 it was around this timeframe, that's,  
17 that's an estimation.

18 A. So, I would estimate that  
19 was the mid-2010s; so, roughly that time  
20 period. I don't recall, exactly, Laura,  
21 when Risa was the district attorney for  
22 Montgomery County. Risa made a concerted  
23 effort to have school districts run  
24 things through Mission Kids rather than

1 do the investigations directly  
2 themselves. So I'm going to estimate  
3 that was the mid-2010s, which would put  
4 it somewhere around the 2012, 2013 to  
5 2015 or '16, a range, somewhere in  
6 there, probably more likely 2012 or 2013.  
7 I'd have to research when Risa was  
8 assistant superintendent -- I'm sorry,  
9 strike that one, I was -- she wasn't  
10 superintendent -- she was district  
11 attorney, and it was a big issue that  
12 Risa -- have Mission Kids. They entered  
13 into a relationship with Mission Kids,  
14 my recollection, and wanted them to do  
15 these investigations and not have school  
16 personnel, you know, do the  
17 investigations.

18 Q. How did you find out about  
19 that, all this stuff about Risa Ferman  
20 allegedly putting in this new way of  
21 doing things?

22 A. Risa Ferman, to my  
23 recollection, had appeared to us  
24 superintendents in a meeting at the

1 intermediate unit to explain to us that  
2 she wanted to have Mission Kids be the  
3 way that they would handle sexual  
4 harassment and sexual matters. Not just  
5 harassment too but just sexual abuse  
6 allegations, concerns about sexual abuse,  
7 that sort of thing.

8 Q. Was it your understanding  
9 that it was -- once -- because Mission  
10 Kids, that's the organization that  
11 interviews students or children after  
12 there's an allegation of sexual abuse or  
13 assault; is that right?

14 A. Yes.

15 Q. So was it your understanding  
16 that after the Mission Kids had the  
17 opportunity to interview the student, the  
18 child, then the district can do what they  
19 need to do?

20 A. The district can act on that  
21 report that they would get from Mission  
22 Kids, yes.

23 Q. So you said this is a  
24 meeting that Risa Ferman called all

1     superintendents into in Montgomery  
2     County?

3             A.     Yes.   We have monthly  
4     meetings -- well now they're actually  
5     more frequent and they're through Zoom --  
6     but we would have monthly meetings, all  
7     the superintendents of Montgomery County,  
8     and different speakers were brought to  
9     us.   If there was a timely topic or if  
10    there was some other issue that we needed  
11    to talk about, the executive director of  
12    the intermediate unit would bring that  
13    individual to us, and my recollection  
14    is that Risa would appear for us to  
15    underscore the importance of  
16    understanding or desire to have things  
17    run through Mission Kids.

18            Q.     Okay.  Did you have an  
19    understanding through that meeting about  
20    how long it takes for Mission Kids to do  
21    what they need to do?

22            A.     Not specifically.  My  
23    recollection is that it was explained to  
24    us, they would attempt to act on it in a

1     timely manner, but I can't give you,  
2     like, you will get an answer within, you  
3     know, three days or two weeks or whatever  
4     it might be. I think it was according to  
5     their own workload.

6             Q.     Was there -- other than that  
7     meeting with Risa Ferman, was there  
8     additional training that was done with  
9     the district involving --

10            A.     With our principals, for  
11     example, or the administration staff?

12            Q.     Yes.

13            A.     Yes. We had training that  
14     was provided through our solicitor's  
15     office, that would be the school  
16     attorney, who, you know, talks with our,  
17     you know, administrative team about  
18     school law, about various aspects. My  
19     recollection is we did have training on  
20     Title IX to talk about and the matters of  
21     Title IX.

22            Q.     Meaning --

23            A.     Those are --

24            Q.     -- the -- I'm sorry, go

1 ahead.

2 A. Those are meetings that we  
3 have -- again, they are monthly meetings  
4 that we have with the administrative  
5 team, and then we develop, you know, the  
6 topics for each month, and part of that  
7 is to have updates on school law matters.

8 Q. And you said that's the  
9 administrative team; is that, like,  
10 superintendent, assistant superintendent,  
11 down to the principal?

12 A. Also, special education,  
13 supervisors, curriculum supervisors,  
14 supervisors of other support and  
15 ancillary functions, so transportation to  
16 service.

17 Q. Is there any other  
18 documentation that's created for each of  
19 these meetings, like meeting minute notes  
20 or anything like that?

21 A. Not meeting minute notes,  
22 but if there were handouts, that sort of  
23 thing, you know, they would have been  
24 done, been given out to people. There



1 would have been -- you know, sometimes  
2 things are going through, at that time,  
3 PowerPoint or, you know, Google slides,  
4 that sort of thing. So there can be  
5 electronic kinds of things that are  
6 shared, you know, with individuals in  
7 training.

8 Q. Do you know whether that's  
9 maintained in some capacity, like  
10 training, PowerPoints, any  
11 documentation-type things from these  
12 trainings?

13 A. I don't know that, Laura;  
14 I'm not sure.

15 Q. Would that be something that  
16 the district coordinates, like, keeping  
17 track of or what's going to be on the  
18 agenda?

19 A. We would have an agenda  
20 that, that, you know, would be put out  
21 there to the administrators in advance of  
22 the meeting. Typically, you know, three  
23 days in advance would be saying, this  
24 will be the meeting, this is the agenda.

1 Sometimes there were revisions that are  
2 done at the last minute. But typically  
3 the agenda would be circulated, at the  
4 minimum, the morning of the trainings or  
5 the meetings.

6 Q. When you say, like, edits  
7 and things like that might be done a few  
8 days before, is that the district making  
9 edits or someone from the solicitor's  
10 office?

11 A. That would be, most likely,  
12 the district. So if there was something  
13 that we learned recently since the agenda  
14 was published, we would add that in as an  
15 additional item.

16 Q. Okay. I'll send a letter to  
17 your counsel, but I'm gonna ask for any  
18 documentation of these trainings  
19 regarding Title IX or these school  
20 law-type topics, if that's kept in some  
21 capacity. I understand, Dr. Dietrich,  
22 you're not aware at this time but a  
23 search for those things.

24 When you said this meeting

1 took place with Risa Ferman and the  
2 superintendents in Montgomery County, was  
3 there any update to that at any point  
4 about, that's not the way we're doing  
5 things anymore, meaning that you're  
6 not -- you don't have to wait for Mission  
7 Kids to finish their investigation?

8 A. I'm not aware of any update  
9 that changed that, no.

10 Q. So, from your understanding,  
11 is that still the -- what you're  
12 operating under today?

13 A. It is, yeah.

14 Q. From the Title IX training  
15 that you received from the training that  
16 the district provided, that's also  
17 consistent, that the school waits to do  
18 an investigation until you hear from  
19 Mission Kids?

20 A. Yeah. It's minimal facts,  
21 initially. So, you know, depending on  
22 how you define investigation. But they  
23 did not want us to go down, you know, a  
24 more common way if there is a potential

1 disciplinary matter, to have the  
2 assistant principal or the principal,  
3 depending on what level it's at, you  
4 know, to bring in students and to talk to  
5 student witnesses and talk to other  
6 witnesses and everything like that. In  
7 this case, Risa was very clear; she wants  
8 Mission Kids to be able to do that and  
9 that they are trained professionals, to  
10 ask questions in the right kind of way  
11 and ask the right questions to get at  
12 what the truth is.

13 Q. Well if they were -- if  
14 that's the policy that the district is  
15 operating under, while the Mission Kids  
16 is doing their investigation, what's  
17 happening at the school level with the  
18 students who are involved in, like, a  
19 sexual assault or sexual harassment  
20 situation?

21 A. Yeah. And that, you know,  
22 always is a challenge for us because we  
23 can't, you know, presume that anyone is  
24 guilty. If necessary, if we believe that

1 we would need to do something with those  
2 students in the interim, we could  
3 carefully do something. But we have to  
4 be, you know, real careful as far as what  
5 we might do with students until that, you  
6 know, investigation is complete.

7 Q. What do you mean, you have  
8 to be real careful with what you might  
9 do?

10 A. Well I think that we  
11 understand the students have a right to  
12 an education. So, we want to be able to  
13 continue to provide and meet that, you  
14 know, standard of being able to provide  
15 an education to the student.

16 Q. So I guess, since you used  
17 the frame, like -- or, the phrase, you  
18 have to be really careful in what you do,  
19 I understand that students have a right  
20 to access to education, but what do you  
21 mean when you have to be really careful  
22 in what you're able to do?

23 A. You don't want to, like,  
24 suspend this student and say you're

1 concluding something based off of the  
2 minimal facts. We would wait to hear  
3 what Mission Kids and law enforcement was  
4 telling us.

5 Q. In your experience, have  
6 there been times where Mission Kids or  
7 law enforcement, like, don't bring  
8 charges and they close their  
9 investigation?

10 A. I think there are times  
11 when, yes, law enforcement and Mission  
12 Kids close an investigation and don't  
13 bring charges. They might conclude that  
14 something is not founded, or they might  
15 conclude that, you know, there was a  
16 violation of a school rule, but it wasn't  
17 necessarily a violation of a criminal --  
18 it wasn't a criminal act, yes.

19 Q. So what does the school  
20 district do with that information, or you  
21 as a superintendent, once the Mission  
22 Kids part is done or closed, what does  
23 the school do?

24 A. It depends on what they tell

1 us in terms of what they found.

2 Q. And what, what do you mean  
3 by that?

4 A. I would need more specifics  
5 to tell you what we would do, depending  
6 on what they told us.

7 Q. So, for example, if there  
8 weren't criminal charges brought -- and  
9 is that what you mean, like, if there are  
10 criminal charges brought, if there aren't  
11 criminal charges brought, if it's  
12 unfounded, is that -- like, that would  
13 make a school do a certain thing,  
14 depending on those outcomes?

15 A. I think that's a fair  
16 description. That depends if there  
17 are -- you know, if something is founded  
18 or unfounded or if there are criminal  
19 charges brought, that sort of thing, yes,  
20 I think the school would clearly take  
21 that into account in terms of the  
22 school's response to something that  
23 happened in school.

24 Q. What about if there -- for

1 the example that there are not criminal  
2 charges brought, what, then, does the  
3 district or the school do in that  
4 circumstance?

5 A. So again, it depends. There  
6 could be something where there was -- you  
7 know, a law enforcement was involved and  
8 we concluded that someone was in  
9 violation of school rules, but there  
10 wasn't, you know, something there that  
11 the district attorney's office and the  
12 local law enforcement felt was necessary  
13 to have charges brought. So, it could  
14 be -- I don't know -- interaction with  
15 students that we ask, you know, law  
16 enforcements to help us and intervene  
17 with it, but they conclude that, you  
18 know, no charges will be filed, that  
19 doesn't mean that there still wouldn't be  
20 some kind of school discipline; but  
21 perhaps there would, perhaps there would  
22 not.

23 Q. But so -- just so I make  
24 sure that I'm understanding you clearly,



1 the ending decisions that the district  
2 would potentially undertake wouldn't  
3 happen until the police investigation and  
4 Mission Kids investigation was finalized,  
5 right?

6 A. In terms of a -- in the  
7 sexual arena, are you saying now? I'm  
8 getting confused if you mean just  
9 generally or containing this sexual  
10 arena.

11 Q. Like, student-on-student  
12 sexual harassment.

13 A. Okay.

14 So in terms of, if there was  
15 some sexual involvement and concerns that  
16 were brought to us, we would have Mission  
17 Kids do that investigation before we  
18 would conclude, you know, ours.

19 Q. When you say "conclude  
20 yours", but I think you told me earlier  
21 that you, really, just get, like, the  
22 very minimal facts --

23 A. Correct.

24 Q. -- there's, really, not an

1 investigation that's done or --

2 A. We do --

3 Q. Sorry. Just let me, just  
4 let me finish, just to help the court  
5 reporter.

6 A. Okay.

7 Q. I know it's hard. It's a  
8 little bit different than normal  
9 conversation.

10 You -- the district wouldn't  
11 start their investigation, they would  
12 just get the minimal facts until the  
13 Mission Kids gave you a report of what  
14 they found and that was concluded; is  
15 that right?

16 A. I think, I think --

17 MS. JORDAN: Note my  
18 objection to the form of the question.  
19 You can answer.

20 THE WITNESS: I think you're  
21 struggling to understand, or we're not  
22 necessarily understanding one another  
23 regarding investigation.

24 So, the minimal facts

1 gathering, if someone wants to call  
2 that the initial steps of an  
3 investigation, I suppose somebody  
4 could, but we would gather minimal  
5 facts, hand those over to Mission  
6 Kids, to law enforcement, and then we  
7 would hear from them in terms of what  
8 they learned through, you know, their  
9 interactions with the individuals.  
10 And then, when we get that back, then  
11 we would take, you know, any potential  
12 and necessary action thereafter.

13 BY MS. LAUGHLIN:

14 Q. So, I guess, let's try and  
15 get on the same page, so I make sure I'm  
16 understanding you and there's not a  
17 miscommunication.

18 When you say you try and  
19 gather the minimal facts, what does that  
20 mean?

21 A. So minimal facts, the way it  
22 was explained to us, is what the student  
23 volunteers on their own or when another  
24 student reports to us or what an adult

1 reports to us without us asking what I  
2 would call investigatory kinds of  
3 questions. So the minimal facts are what  
4 they volunteer to us directly without  
5 probing or without asking them to expand,  
6 without asking them to give us, you know,  
7 every detail, just, they would come and  
8 tell us what they experienced or what  
9 they had heard or what they had seen, and  
10 then we would turn those minimal facts  
11 over to Mission Kids and law enforcement.

12 Q. Was it the district's  
13 practice to report to Mission Kids no  
14 matter what the, the student-on-student  
15 contact was? Like, for example, did it  
16 have to be to a level of penetration, or  
17 was there a certain bar that then made  
18 the report go to Mission Kids?

19 A. I don't recall us discussing  
20 if there had to be penetration in order  
21 for something to qualify, if you will, to  
22 have Mission Kids' investigation. I  
23 think there's just -- and it's difficult  
24 not to say it any other way, but things

1 can be nuanced. So I think that, you  
2 know, you have to listen carefully as,  
3 you know, as a school administrator and  
4 determine if this is something that, you  
5 know, needs to be presented to Mission  
6 Kids or, or does not.

7 Q. But how do you, how to you  
8 define, like, listening carefully to  
9 determine whether something does or  
10 doesn't have to be reported to Mission  
11 Kids?

12 A. I think there's, you know,  
13 an ability that you develop to be able to  
14 listen to understand what someone is  
15 saying without inferring or without  
16 adding to or without subtracting from  
17 what it is that they're saying. So I  
18 think that, you know, when you have good  
19 listening skills, you're listening  
20 carefully to what the, you know, the  
21 concern is, and then you arrive at a  
22 conclusion whether this should be, you  
23 know, pursued in more detail or should  
24 not.

1           Q.     Is that, like, a subjective  
2     thing, that depending upon who's  
3     listening to the information from  
4     whoever, whether it's the victim  
5     themselves or another student reporting  
6     about a fellow student that had something  
7     happen to them, that it's a subjective  
8     determination as to what gets reported to  
9     Mission Kids or doesn't?

10           A.     I think there has to be some  
11     level of subjectivity to try to remain as  
12     objective as possible and you try not to  
13     arrive at any kind of conclusions, but  
14     you're listening to understand, and  
15     you're forming a judgment whether this  
16     should, you know, be moved to another  
17     level or whether it's something that  
18     should not be.

19           Q.     In your experience, has  
20     there been training on that for district  
21     administration staff, as to determining  
22     what should or shouldn't be reported to  
23     Mission Kids?

24           A.     I believe that we had -- and

1 I recall that we had training on Title IX  
2 to understand Title IX and to discuss,  
3 you know, various cases that involved  
4 Title IX, and then, you know, individuals  
5 were given an opportunity to ask for  
6 clarification on things they maybe  
7 weren't understanding or wasn't, or  
8 wasn't clear from the presenter. As a  
9 matter -- all the time, I think people  
10 try to remain as objective as possible,  
11 but it's hard to deny that there's some  
12 level of subjectivity when somebody has  
13 to make a determination. So they're  
14 reading a lot of things. They're  
15 listening, reading body language. That's  
16 just what people do.

17 Q. The, the Title IX training  
18 you were just referencing, was that just  
19 for administration or also for, like,  
20 teachers and staff at the district  
21 school?

22 A. What I'm referencing was for  
23 administration.

24 Q. And how does that, then, or

1 does it, then, filter down in some way to  
2 the staff level, the training that  
3 administration received?

4 A. So when training is provided  
5 that is -- needs to be passed along to  
6 other individuals, then the supervisors  
7 of those individuals would, you know,  
8 pass those along to who they supervise.  
9 But not all things that individuals get  
10 trained on at the administrative level  
11 would necessarily be things that have to  
12 get and, you know, explained to  
13 individuals for whom it doesn't apply,  
14 so.

15 Q. Does Title IX apply going  
16 downward?

17 A. Title IX applies to anybody  
18 within the school system. A person could  
19 be guilty of violating Title IX in any  
20 position, you know, within the school  
21 system. So, it's not, like, only -- you  
22 pick the position -- can violate Title  
23 IX. It can be anybody that could violate  
24 Title IX.



1           Q.     So would you have expected  
2     the training that administration received  
3     regarding Title IX, that those  
4     supervisors, for example, a principal,  
5     would then go and pass along the  
6     information that they had learned to  
7     teachers at the school regarding Title  
8     IX?

9           A.     I would say that I would  
10    expect that principals would be able to  
11    carry the essence of the Title IX and  
12    then the specifics that would apply to  
13    individuals, back to those whom they  
14    supervise. I would expect that there  
15    would be more -- I think there would be,  
16    there would be more items of it that  
17    would be specific to the principal that,  
18    for example, the teacher wouldn't  
19    necessarily need to be concerned about or  
20    need, you know, time taken to use --

21          Q.     As the superintendent of  
22    North Penn School District -- this is  
23    going from when you started in 2010 to  
24    the present, is -- are you pretty much

1 the head of, like, the administration in  
2 the district?

3 A. I am.

4 Q. Is there anything that you  
5 did after these meetings, regarding Title  
6 IX or, as you defined as school law, to  
7 ensure that the leaders of schools,  
8 whether it's principals, a director of  
9 special education, that they're then  
10 communicating all the things that you  
11 were trained on to the lower level  
12 people?

13 A. Not that I would have done.

14 Q. Is there somebody else that  
15 would have done that or that had that  
16 responsibility?

17 A. Well, we have a system in  
18 North Penn, it's like a hierarchy, like I  
19 had talked about earlier. So, if you  
20 have a director of elementary education  
21 in between principal and assistant  
22 superintendent and superintendent, that  
23 would be one example. You know, so  
24 principals don't report directly to the

1 superintendent.

2 Q. Okay. But if it has to  
3 trickle down, would that come from you  
4 and then to the director of special  
5 education and then to whoever's under  
6 them?

7 A. I'm not sure what you mean  
8 by "them". Can you ask it again?

9 Q. Sure.

10 So we were talking -- you  
11 were talking about the hierarchy and how  
12 you're at the top of the hierarchy, but  
13 something from a lower level may not go  
14 directly to superintendent because  
15 there's a, for example, a director of  
16 special education that goes in the  
17 middle. Would -- going downward, though,  
18 would that be -- like, you're at the top,  
19 and you're communicating to the --  
20 whoever's the next level, then they would  
21 communicate to whoever's the next level,  
22 is that typically how it works?

23 A. If there's something that I  
24 would talk about at a cabinet meeting

1   that needed then to go to the next  
2   level, you know, below, if you want to  
3   use that word, that person would carry  
4   that out. But I wouldn't be putting,  
5   as a cabinet meeting agenda item,  
6   provide documentation, provide proof  
7   that -- whatever the topic was that we  
8   discussed -- that, you know, you need to  
9   bring back to me that kind of information  
10   to prove to me that you did follow  
11   through on that, that wouldn't typically  
12   be how we do things.

13           Q.     How do building principals,  
14   for example, know what to train their  
15   teachers and staff on?

16           A.     That would likely come out  
17   in discussion when we have the  
18   presentations. So they're sitting there  
19   and they're assimilating and they're  
20   understanding and they're processing what  
21   they're hearing, and they would, you  
22   know, be asking qualifying questions in  
23   terms of understanding it then and  
24   determining what additional steps, you

1 know, were recommended to be taken or  
2 whatever it might be.

3 Q. So, are you talking about  
4 the principals in the meeting --

5 A. Yes.

6 Q. -- is that what you're  
7 referring to?

8 A. Mm-hmm.

9 Q. And the -- was there -- I  
10 guess, was it just something that --  
11 sorry, strike that.

12 Was there direction given to  
13 principals on what they should be  
14 communicating to their staff, or was it  
15 just whatever they feel they should be  
16 communicating, that's, really, up to  
17 them?

18 MS. JORDAN: Note my  
19 objection to the form of the question.  
20 You can answer.

21 THE WITNESS: So, do we give  
22 principal-specific direction on what  
23 they should be training their staff  
24 on, or do we allow them to make that

1 decision --

2 BY MS. LAUGHLIN:

3 Q. Yes.

4 A. -- is that the question?

5 Q. Yes.

6 A. And again, I'm saying it's  
7 hard to, it's hard to answer that in a  
8 general kind of a way. If, during a  
9 discussion, you know, with the presenter,  
10 you know, we determine that followthrough  
11 time included some specifics that the  
12 principal, for example, shall carry back  
13 to those whom they supervise, you know,  
14 we would talk about that. But I can't  
15 answer that. In a, in a way, it's just  
16 too, too individualized and nuanced.

17 Q. What about in terms of Title  
18 IX, is that something that would have had  
19 a carry through plan that you would have  
20 expected principals to then be  
21 communicating to their staff about what  
22 they learned?

23 A. I don't recall that we had  
24 specific statements, you shall talk about

1   these particular items, but I am  
2   reasonably certain that, when we had  
3   meetings, we talk about these various  
4   items and then we talk about, you know,  
5   the next steps in terms of additional,  
6   you know, followthrough training on that.  
7   But I don't recall specifics on Title IX.

8           Q.     And these meetings, how  
9   often are -- is the district  
10  administrators getting training on Title  
11  IX from, like, 2010 to, to, say, 2019,  
12  how often was it that the topic would be  
13  Title IX --

14          A.     I'd have to --

15          Q.     -- like, defining what it  
16  is?

17          A.     I'd have to research that.

18          Q.     Do you have --

19          A.     I don't have an answer.

20          Q.     Do you have an estimate?

21  Was it once a year? Once a month?

22          A.     Well it definitely wouldn't  
23  have been once a month. And to say it  
24  was every year, I, I wouldn't make that

1 statement either. I'd have to go back to  
2 research to see how often we had.  
3 Typically, we talk about -- the two ways  
4 would be good topics on, if we feel like  
5 there's been a change that's substantive  
6 to regulations, then that would rise to  
7 the level of a training topic that we  
8 include, or if we believe that it's -- a  
9 time period has gone by as such that we  
10 had new hires or that those that have  
11 been with us need a refresher, we would,  
12 then, put it on the agenda as an item.  
13 We typically would have those  
14 conversations with the school solicitor.

15 Q. Earlier, when you said that  
16 Title IX training you recall from the  
17 district involved cases, do you mean,  
18 like, Title IX court cases, or do you  
19 mean specific cases that have come up in  
20 the district?

21 A. No, court cases.

22 Q. Okay. And you said that,  
23 sometimes, if there was a change in,  
24 like, Title IX or something like that, a



1 regular or whatever, that you would  
2 discuss putting it on the agenda.  
3 Who's -- who is the one monitoring to see  
4 whether there was a change or what the  
5 current state of the --

6 A. That would --

7 Q. -- new law was?

8 A. I'm sorry.

9 Q. Go ahead.

10 A. I started to jump in.

11 That would be in  
12 consultation with the school solicitor  
13 and the school solicitor's office.

14 Q. Is that something, though,  
15 that, like, you would be relying on the  
16 school solicitor to let you know that you  
17 need training on this because something  
18 changed, or?

19 A. I would say it's a  
20 combination of input, you know, from the  
21 school solicitor's office, and then,  
22 also, as administrators, we receive, you  
23 know, various trade journals, and there  
24 are articles in there and they talk

1 about, you know, things that, you know,  
2 might be evolving or changing, whatever  
3 it might be. So there are different ways  
4 that, you know, administrators stay, you  
5 know, current, if you will. So I will  
6 say it's a combination.

7 Q. Did you say trade journals?

8 A. Yes.

9 Q. Are there particular  
10 journals that you as a superintendent,  
11 like, subscribe to and read?

12 A. There are journals that I  
13 get unsolicited, and plenty of those, but  
14 I don't think I have any specific  
15 prescriptions to any journals. We get  
16 them, you know, sent to us.

17 Q. Are there any that you,  
18 like, read and rely on?

19 A. The school board's  
20 associations, both at the Pennsylvania  
21 level and the the American School Board  
22 Journal level, those publications, I  
23 think, are particular helpful school  
24 administrator.

1           Q.     And is that something that  
2     you read when it comes in?

3           A.     When it comes in, yeah.

4           Q.     Is it -- like, how often do  
5     those get sent out; do you know?

6           A.     They're typically monthly.  
7     Things are a little different right now  
8     with COVID.

9           Q.     Okay. As superintendent,  
10    are you responsible for what happens  
11    inside, like, the school buildings, like,  
12    at the high school or an elementary  
13    school?

14          A.     Could you define responsible  
15    for me?

16          Q.     Yeah. Is that, is that,  
17    like, within your authority, to --  
18    whether it's implement change or  
19    discipline or whatever, are you -- that's  
20    what I mean by responsible for what  
21    happens in school buildings.

22          A.     Well, there's a hierarchy  
23    and there's a chain of command. So, you  
24    know, as CEO of a school district, you

1 know, there's a level of responsibility  
2 that you take on as CEO, but I wouldn't  
3 be responsible, if you will, for  
4 day-to-day operations or those sorts of  
5 things. There's people hired to do that.

6 Q. Like, curriculum, I mean,  
7 you're not obviously teaching the classes  
8 or what, what the curriculum would be for  
9 that particular day, right?

10 A. No. That would not be so.  
11 But the curriculum has a -- we have a  
12 structure here. So we have curriculum  
13 supervisors, and they report to a  
14 director, and the director of curriculum  
15 reports to an assistant superintendent,  
16 assistant superintendent reports to the  
17 superintendent, so.

18 Q. What about the principals,  
19 who are -- you said there's a hierarchy.  
20 I guess, can you just explain to me, I  
21 guess, who is that hierarchy, who answers  
22 to who in that chain.

23 A. At the elementary level, the  
24 elementary principals report to the

1 director of elementary education. At the  
2 secondary level, presently, the  
3 principals report to one of our assistant  
4 superintendents, and I say presently  
5 because that had changed three years ago  
6 when we hired two assistant  
7 superintendents instead of one, a  
8 reorganization of our administrative  
9 structure, and we eliminated the position  
10 of director of secondary, and we gave  
11 those responsibilities to one of the  
12 assistant superintendent positions.

13 Q. What about at the high  
14 school level, the high school principal?

15 A. So the high school principal  
16 formally reported to the director of  
17 secondary education, and then when we  
18 reorganized, we eliminated that position.  
19 One of the assistant superintendents took  
20 responsibility for supervisor of the  
21 secondary principals under -- it turns  
22 out it's a male -- under his supervision.

23 Q. When was that director of  
24 secondary education position eliminated?

1           A.     Three years ago.

2           Q.     And I think you said  
3     assistant superintendents, plural?

4           A.     We have two.

5           Q.     And how is that divided up?

6           A.     So, one of the assistant  
7     superintendents, Dr. Bauer, Dr. Todd  
8     Bauer, he is an assistant superintendent  
9     that has responsibility for, among other  
10    things, the secondary school principals.  
11    So he, he would supervise things.

12          Q.     And what about the other  
13    assistant superintendent?

14          A.     So, we're in a bit of a --  
15    of flux right now in that we just hired  
16    another assistant superintendent, or a  
17    new assistant superintendent, if you  
18    will. The previous assistant  
19    superintendent resigned her position to  
20    pursue other interests. So, that  
21    particular individual and the other  
22    assistant superintendent, Dr. Bauer, were  
23    still in the midst of, you know, totally  
24    organizing which responsibilities belong

1 to each individual. So that person  
2 started July 1st.

3 Q. The elementary director  
4 of -- or, the director of elementary  
5 education, who do they report up to?

6 A. The assistant  
7 superintendents.

8 Q. Okay.

9 A. In the past, it was one of  
10 the assistant superintendents; not Dr.  
11 Bauer. It was Dr. Rufo.

12 Q. Okay. And then the  
13 assistant superintendents, above them is  
14 you?

15 A. Above the assistant  
16 superintendents would be me,  
17 superintendent, correct.

18 Q. Does somebody at the  
19 district administration, specifically,  
20 have the responsibility for training of  
21 administration and staff?

22 A. So that would be a  
23 collaborative effort among the director  
24 of human resources, the assistant

1     superintendents, the superintendent, and  
2     then depending on the topics, the other  
3     members of cabinet. So our  
4     superintendent's cabinet would also  
5     include the director of elementary  
6     education, the director of technology,  
7     the director of special education, the  
8     communications director, the chief  
9     financial officer, the director of  
10    facilities and operations, those  
11    individuals, director of curriculum, I'm  
12    not sure if I mentioned them, they're all  
13    members of cabinet.

14           Q.     And the director of HR is  
15    that Cheryl McCue?

16           A.     No. Cheryl McCue is no  
17    longer with North Penn School District;  
18    that's Dr. Mia Kim.

19           Q.     Prior to Mia Kim, was it  
20    Cheryl McCue?

21           A.     It was, yes.

22           Q.     Okay.

23           A.     Mm-hmm.

24           Q.     Can you just give me an



1 understanding of what your  
2 responsibilities are as superintendent,  
3 as you understand them?

4 A. Well I have general  
5 oversight of the school district, work  
6 directly with the school board to advise  
7 them and to provide the necessary  
8 administrative input for them to make  
9 decisions that are within their realm of  
10 responsibility. So, they are policy  
11 centers for the school district, for  
12 example, and, you know, as they develop  
13 district policies, you know, I would have  
14 responsible, and my team, to help to  
15 advise them on developing district  
16 policies. Also, then, personnel, it's a  
17 responsibility of the board to hire and  
18 terminate, if necessary, individuals  
19 within the school district. So I would  
20 have that responsibility to be able to  
21 make recommendations to them regarding  
22 personnel items that would rise to that  
23 level. You know, those are -- these are  
24 some of the examples. I have a lot of

1 interaction with the community, as the  
2 superintendent of schools to, you know,  
3 receive input from them in terms of  
4 operations of the school district.

5 Q. One of the things you  
6 mentioned was policy setters within the  
7 school board, and you work with your team  
8 to come up with the policies, right?

9 A. With the school solicitor,  
10 also.

11 Q. Okay. When you say "the  
12 team", is that your cabinet, who are you  
13 referring to?

14 A. That would be the cabinet  
15 and then, more likely, assistant  
16 superintendents and, you know,  
17 superintendent. But other members of  
18 cabinet can be drawn into a conversation.

19 Q. Okay. So in terms of, like,  
20 the district's harassment policy, the  
21 5150A, are you familiar with that policy?

22 A. I know that we have 5150A,  
23 but I'd have to have it in front of me to  
24 talk about the specifics of it.

1           Q.     Okay.  Is that something,  
2     for example, that you would have worked  
3     with your team and the school board to  
4     come up with?

5           A.     Yes.  All of the policies,  
6     we work with the board, to develop and  
7     revise, if necessary, our policies.

8           Q.     You talked about hiring and  
9     terminating teachers, that's also your  
10    responsibility?

11          A.     In terms of recommending to  
12    the board for hire.  They actually do the  
13    hiring, and then, if necessary, they do  
14    termination.

15          Q.     The school board does?

16          A.     Yeah.

17          Q.     Do you --

18          A.     Yes.

19          Q.     Sorry.

20                 You as the superintendent  
21    recommend to them what they -- what you  
22    recommend they should do?

23          A.     Yes.

24          Q.     What about --

1           A.       So we --

2           Q.       Sorry, go ahead.

3           A.       We would carry out, for  
4   example, the interview process or -- for  
5   hiring, hiring process.  If there was a  
6   necessity to discipline an individual,  
7   that would be at my level, but if it was  
8   a termination, then there are, you know,  
9   certain things that have to happen and  
10  the board would get involved.

11          Q.       What about in terms of  
12  student discipline, is that anything  
13  that's within your responsibilities?

14          A.       So, if there would be -- in  
15  terms of responsibilities, again, there  
16  are individuals that carry out the  
17  day-to-day, you know, interaction with  
18  the students and disciplining of  
19  students.  But if it would mean it would  
20  be an expulsion, that would rise to that  
21  level, then that would come to me as  
22  superintendent and be recommended to the  
23  school board.

24          Q.       Like, if a principal or

1 somebody is recommending a kid get  
2 expelled from school, then that would be  
3 passed along to you, and you'd get  
4 involved in that point as to whether or  
5 not to recommend to the school board?

6 A. Yes, eventually. I mean,  
7 there's all the steps that happen through  
8 that process, but eventually it will make  
9 its way to me.

10 Q. How is the implementation of  
11 disciplinary issues and handling of  
12 disciplinary issues, how is that ensured  
13 it is consistent among, like, each of the  
14 levels of school, if it's elementary  
15 school or high school, is there a way  
16 that you ensure that there's consistency  
17 among those different schools?

18 A. So, a number of things  
19 happen. We do monitor the number of  
20 disciplinary incidents and referrals and  
21 action taken. The state has a system for  
22 those that get reported to them for their  
23 various infractions. So we have all of  
24 that data, and we would be, you know,

1 reviewing that data. We also would have  
2 discussions at principal's meetings with  
3 the supervisor of the principals, whether  
4 it be at the elementary with the director  
5 of elementary education or at the  
6 secondary, either the director of  
7 secondary when we had one or with the  
8 assistant superintendent who was  
9 responsible for secondary education  
10 principals, they would have discussions  
11 at those meetings in terms of discipline  
12 and things that are happening within the  
13 schools.

14 Q. When you say that you're  
15 monitoring disciplinary actions that are  
16 taken, is that just generally at the  
17 school level, like, when it's for  
18 elementary school, you're monitoring how  
19 many kids were suspended or something  
20 like that?

21 A. Is it just at the elementary  
22 school, did you say?

23 Q. No. I'm asking, when you  
24 say you're monitoring the discipline at

1 the school level -- or, I guess, you're  
2 monitoring the discipline because you  
3 have to report it, you said, is that just  
4 at the school level, like, you know, it's  
5 not particular students that you're  
6 monitoring but just, in this particular  
7 school, how many students were  
8 disciplined for particular things?

9 A. So, the information would be  
10 deidentified in the sense of names and  
11 that sort of thing. However, we do  
12 collect information that would be useful  
13 to us to monitor regarding demographics.  
14 So we might look at -- you know, race and  
15 ethnicity would be one example. We might  
16 look at gender, we might, you know, look  
17 at other kind of characteristics. I'm  
18 trying to remember what they would be,  
19 but those would be the biggest ones, I  
20 would say, we would look at, in terms of,  
21 you know, do we have disproportionality,  
22 are there students of -- in a particular  
23 race, for example, that are  
24 disproportionate in the number of

1 discipline infractions and that sort of  
2 thing, you know, we would look at that.

3 Q. But you're saying -- you  
4 said that they would be deidentified,  
5 meaning that the actual students that  
6 these disciplinary things involve, that's  
7 not something that is tracked in this  
8 way?

9 A. I wouldn't oversee a list  
10 that said, Laura Laughlin did this,  
11 Maureen Jordan did that, Kyle Somers did  
12 this, you know, that's not for me. I'm  
13 not, I'm not looking at that kind of  
14 information. But I might look to see,  
15 you know, as we review the data, were  
16 there -- you know, we do these analyses  
17 to see if there's disproportionality to  
18 see our sense of a particular race  
19 getting suspended less frequently or more  
20 frequently, that sort of thing.

21 Q. So, are student's  
22 disciplinary issues tracked in any way by  
23 the district, for particular students?

24 A. Well, they have a cumulative



1 file in terms of -- if that's what you  
2 mean, like, they would have that. So if  
3 there is a cumulative file, that would be  
4 in that file, and that would make it's  
5 way through this system or through the  
6 district. Those files don't come through  
7 the district office, but there's a  
8 cumulative file that works its way  
9 through the district.

10 Q. And so that would mean any  
11 disciplinary issues would have to go into  
12 the cumulative file for that to be  
13 tracked in a cumulative file, right?

14 A. Correct.

15 Q. Like, if something happened  
16 and it doesn't get put in the cumulative  
17 file, the next person who gets that  
18 cumulative file isn't going to know; is  
19 that correct?

20 A. That's correct.

21 Q. All right. Is there  
22 anything that the district implements to  
23 ensure that issues that arise for a  
24 particular student in school are put in

1 the cumulative file?

2 A. Could you rephrase that  
3 question? I'm not quite sure what you  
4 mean by that.

5 Q. How does one decide in the  
6 district whether something goes into a  
7 student's cumulative file?

8 A. If there is a disciplinary  
9 action, that would go into a student's  
10 cumulative file. If there's some other  
11 notation, you know, that is necessary,  
12 that would go into that file. Perhaps  
13 it's something having to do with special  
14 education, for example. Those records  
15 would be in the student's file.

16 Q. When you say if there's a  
17 disciplinary action, what do you mean?

18 A. So if -- I believe that if a  
19 student got in trouble for something,  
20 that there's a notation in the file for  
21 that under the discipline area that --  
22 and then the succeeding school or anyone  
23 else within that individual school could  
24 review. So somebody could look at a

1 student, say, oh, this student has no  
2 prior incidents or this student -- the  
3 only thing we have on this student prior  
4 to this was cutting class, for example.  
5 So, there might be times when a student  
6 does something very egregious, like gets  
7 into a fight, and we might look at the  
8 cumulative file to see if there's been a  
9 pattern of the student getting into  
10 fights to determine whether the student  
11 then needs to be, you know, recommended  
12 for a more lengthy suspension or for  
13 expulsion or temporary expulsion or  
14 whatever it might. That would --

15 Q. How are -- sorry, go ahead.

16 A. That would be an example.

17 Q. How are building  
18 principals -- are they instructed at all  
19 or trained at all on how to -- like, what  
20 to put in the file, how to document  
21 something in a cumulative file?

22 A. That at the elementary  
23 level, would be with the director of  
24 elementary education and the principals,

1 and then at the secondary level, if  
2 there's assistant principals, an  
3 assistant principals. So, the assistant  
4 principals would report to the  
5 principals. So the principal would  
6 handle that.

7 Q. But is there any, like,  
8 training that those people received on  
9 how to -- what to implement and how to  
10 put things in the cumulative files, in  
11 terms of disciplinary stuff?

12 A. That would happen at the  
13 home office level. They would call the  
14 home offices. So, at the home office  
15 level, when the assistant principal was  
16 hired, it would be a discussion at that  
17 level in terms of, you know, these are  
18 the forms we use and this is, you know,  
19 which secretary it would go to, and they  
20 would handle that.

21 Q. When they say -- sorry, go  
22 ahead.

23 A. I'm not real familiar with  
24 that.

1           Q.     When you say home office,  
2 what do you mean?

3           A.     So, at the middle schools,  
4 there's one office. So if you hear,  
5 "you're being sent to the office", that's  
6 where the principal and the assistant  
7 principal and the secretaries will be.  
8 At the high school level, because of the  
9 size of our school district and our high  
10 school, we have three home offices, one  
11 for the class of 2021, one for the class  
12 of -- you know, last year, that would be  
13 for this coming year, 2022. So one for  
14 the class of '22, one for the class of  
15 '23, one for the class of 2024.

16          Q.     When you describe the  
17 ability to potentially look over the  
18 course of somebody's cumulative file and  
19 see if there's anything -- like, a  
20 pattern that a student acting in a  
21 particular way, is that just, like, up to  
22 the discretion of whoever wants to look,  
23 or is there somebody in particular that  
24 would be responsible for monitoring to

1 see if there's a pattern and practice of  
2 a particular student acting in a certain  
3 way?

4 A. So there's a child study  
5 process that if individuals have concerns  
6 about students at the elementary school.  
7 At the middle school, it's more of a  
8 teammate kind of approach, where they  
9 would look at students and see, you know,  
10 is there a pattern of behavior, are their  
11 academics suffering, you know, what might  
12 be going on, and then, you know,  
13 interventions could be taken at that  
14 junction. At the high school, they don't  
15 have a true child study process or a --  
16 you know, that sort of thing commonly,  
17 but there would be discussions among  
18 those that are in the special education  
19 arena, are thought to be eligible for  
20 special education, those kinds of, you  
21 know, discussions could be happening at  
22 that level, you know, regarding the needs  
23 of kids.

24 Q. And I'm familiar with the

1 child study team, a couple different  
2 witnesses have talked about that in their  
3 testimony.

4 But it's my understanding  
5 that a child study team, someone needs  
6 to, like, recommend or, like, fill out a  
7 form for, like, a student to have a child  
8 study team meeting or whatever, is that  
9 your understanding?

10 A. Yeah. Somebody has to  
11 recommend a student that we have  
12 discussed, yes. They don't appear  
13 without somebody putting them on a list.

14 Q. So is -- would you agree  
15 with me that there is no process in place  
16 for anybody at the district to be  
17 monitoring student's disciplinary files  
18 to see if there's a pattern or practice  
19 of a certain type?

20 A. I don't know that I  
21 understand what you mean by that. What  
22 do you mean by monitoring? Like, we  
23 don't have a system of demerits, and if  
24 you have 12 demerits, you then -- this

1 happens to you or anything -- we don't  
2 have anything like that. But if there  
3 are issues that are happening or if  
4 somebody has concerns about a child, you  
5 know, they could talk about that student  
6 in a child study arena and discuss what's  
7 going on. But we don't have, like, a  
8 demerits and cumulative points system or  
9 anything like that that, you know, is  
10 electronically tracked and when you hit  
11 so many points it, you know, kicks a  
12 student's name up to being put into a  
13 child study discussion.

14 Q. So there's nobody, like, at  
15 the administrative level at the district  
16 that would say, like, oh, this particular  
17 student got in trouble for this in  
18 elementary school, oh, and something  
19 similar in middle school and something  
20 similar in high school, that would --  
21 there's no way to, like -- that the  
22 district has in place to, like, monitor  
23 or track that; is that correct?

24 A. There's -- we don't have a



1 system where somebody is combing through  
2 records and looking and seeing, you know,  
3 what's happening. It's more of, if there  
4 are concerns about that person or  
5 something recent happened and we wanted  
6 to look at the record, we would do it  
7 then.

8 Q. Okay. Have you heard of the  
9 term 'hostile educational environment'?

10 A. I have.

11 Q. You have?

12 A. Yes.

13 Q. What's -- what does that  
14 mean, what's your understanding of what  
15 that is?

16 A. My understanding of that is  
17 if somebody feels like they are in a  
18 environment where they're being treated  
19 in a way that's making it really  
20 difficult for them to be able to carry  
21 out their job functions, they just feel  
22 like they're in a hostile environment  
23 because of the way that they've been  
24 treated by coworkers or by supervisors.

1           Q.     So, are you talking --  
2     you're kind of talking at the employee  
3     level, then, because you said jobs and  
4     coworkers and stuff like that, right?

5           A.     Yes.

6           Q.     Is there a hostile education  
7     environment for students, is that, is  
8     that a thing?

9           A.     I'm not familiar with that  
10    term being used for students. I could  
11    think about, you know, kind of the  
12    coronary to what is -- what we more  
13    commonly would talk about would be a  
14    hostile work environment for adults. But  
15    I'm not familiar with that term,  
16    necessarily, for students.

17          Q.     Okay. As superintendent, if  
18    somebody at the school level or  
19    administrative level is doing an  
20    investigation into harassment of a  
21    student, do you get notified of that  
22    investigation once it's completed?

23          A.     If it rises to a level where  
24    there's disciplinary action that's

1 necessary, that would be of -- at the  
2 student level, it would be, like, an  
3 expulsion, then I would be notified of  
4 it. If it's a employee, if that employee  
5 would be suspended, you know, without  
6 pay, I would be notified of that.

7 Q. If it involves a  
8 student-on-student harassment, so you're  
9 saying unless it was going to involve the  
10 expulsion of the student, that's  
11 something that you wouldn't be notified  
12 of --

13 A. That's correct.

14 Q. -- as the superintendent?

15 A. That's correct.

16 Q. As a superintendent, do you  
17 have the authority or ability to  
18 implement measures at school for the  
19 safety of a particular student?

20 A. I would say I have the  
21 authority to do that. I don't see it  
22 being done unilaterally by the  
23 superintendent. It would be in  
24 cooperation, if necessary, with the

1 school principal. But typically that  
2 wouldn't rise to my level. That would be  
3 handled by principals and either the  
4 director of elementary or director of  
5 secondary or in this case, now, the  
6 assistant superintendent that has  
7 responsibility. I wouldn't get involved  
8 in that. But I -- if it was necessary,  
9 they came to me and they would like my  
10 input, that, that would be, you know, a  
11 possibility. But I wouldn't get involved  
12 in those things.

13 Q. Is it -- I'm sorry, I --

14 A. That was typically.

15 Q. Okay. Sorry.

16 Do you have the ability, as  
17 the superintendent, are you able to, if  
18 you wanted to put a paper in some  
19 student's cumulative file, something you  
20 were involved in, is that -- are you able  
21 to do that, as the superintendent?

22 A. Nothing would stop me from  
23 doing that, but I would not. That  
24 wouldn't be something I would do. That's

1 not routinely done by me. I don't put  
2 entries into student files. I don't --  
3 I'd have to ask where they are and all  
4 that. I'm just not involved at that  
5 level.

6 Q. Okay. Your facial  
7 expression, when I asked you, you kind of  
8 had a bewildered look, a little bit of --

9 A. I'm trying to think, where  
10 would they -- where would I go, where are  
11 they. I don't do that.

12 Q. Okay. Who is, who is the  
13 person or the level that would do that or  
14 would know to do that?

15 A. The school principal or  
16 assistant principal, depending on the  
17 level.

18 Q. Okay.

19 A. Or the special education  
20 supervisors also would be in consultation  
21 with the principal too. So, they're  
22 another individual that could be involved  
23 in that.

24 Q. Are those --

1           A.     (Inaudible.)

2           Q.     I apologize.

3                   Are those the people that  
4   you would be looking to -- if something  
5   needed to be documented in a file, that  
6   they'd be the ones to do that in a  
7   student's file?

8           A.     Yeah.  It would be, like,  
9   the supervisor; the special ed  
10  supervisor, if a child has an IEP, or the  
11  school principal or assistant principal.

12                   MS. LAUGHLIN:  Why don't we  
13   take, like, a brief five-minute break,  
14   if that's okay, before we jump into  
15   the next part.

16                   MS. JORDAN:  Sure, no  
17   problem.

18                   MS. LAUGHLIN:  Thanks.

19                               -   -   -

20                               (A recess occurred from  
21   11:36 a.m. to 11:45 a.m.)

22                               -   -   -

23   BY MS. LAUGHLIN:

24           Q.     Dr. Dietrich, are you

1 familiar with the Department of Education  
2 Office for Civil Rights?

3 A. Am I familiar -- in terms of  
4 what level of familiarity, that it  
5 exists, or?

6 Q. You've heard of it before,  
7 right?

8 A. I've heard of Office of  
9 Civil Rights, yes.

10 Q. Have you ever received any  
11 of the guidance put out by the Office of  
12 Civil Rights from the Department of  
13 Education, whether it's a Dear Colleague  
14 letter or a Q&A or anything like that?

15 A. Yes. I have received Dear  
16 Colleague letters, for example.

17 Q. Do you -- when you -- how do  
18 you receive those?

19 A. My recollection is they  
20 would either e-mail or physically mail.  
21 My recollection is, more recently, they  
22 get e-mailed to us.

23 Q. And when you get those, do  
24 you read through those documents?

1           A.     I do.

2           Q.     When you read through them,  
3     is there anything that you do or  
4     implement as a result of reading them?

5           A.     If there's something in  
6     there that indicates action, you know,  
7     then we would take action. Typically I  
8     would review those with the solicitor's  
9     office.

10          Q.     Like, in a meeting or  
11     something like that?

12          A.     Yes. In a phone call or a  
13     meeting, whatever it might be.

14          Q.     Is that something -- when  
15     you say "we would take action", is that  
16     something you're relying on the solicitor  
17     to let you know whether you need to take  
18     action on a particular guidance from the  
19     Office of Civil Rights?

20          A.     In terms of relying on the  
21     solicitor, I mean, if it was clearly  
22     stated in that you shall take action on  
23     something that I got, we would, you know,  
24     do that. But we would talk with the



1 solicitor.

2 Q. And get the advice on what  
3 you need to do?

4 A. Yes.

5 Q. Okay. Now you're aware of  
6 an incident that occurred between [REDACTED]  
7 [REDACTED] and [REDACTED] [REDACTED] in the  
8 2014/2015 school year; is that right?

9 A. I'd have to think about the  
10 years, but I'm aware of an incident that  
11 happened in sixth grade for those  
12 students. So, I think those corresponds  
13 to those years.

14 Q. What did you -- I didn't  
15 hear what you said.

16 A. Sixth grade.

17 Q. Sixth grade?

18 A. Yeah. It was his sixth  
19 grade, as I recall.

20 Q. Yeah. So just to orient  
21 you, [REDACTED] and [REDACTED] sixth grade year  
22 was the '14/'15 school year.

23 A. That sounds right.

24 Q. So that was -- that --

1     sorry -- so that's the incident you're  
2     aware of, an incident occurring between  
3     the two of them in sixth grade?

4             A.     Yes.

5             Q.     And how did you become aware  
6     that there was an incident between the  
7     two of them in sixth grade?

8             A.     My recollection, it was  
9     brought to my attention by the director  
10    of human resources, Cheryl McCue. The  
11    director of elementary education, Dr.  
12    Betty Santoro is also another individual.  
13    So I'm not positive to which one told me  
14    first or how I learned of it precisely,  
15    but those would be the two individuals  
16    that, most likely, one of the two would  
17    have talked to me first, and then we all  
18    talked about it.

19            Q.     Was it in-person? Or by a  
20    phone call? Or an e-mail?

21            A.     I don't, I don't recall.

22            Q.     What do you recall about  
23    what either Dr. Santoro or Ms. McCue had  
24    told you?

1           A.     I recall that it came to the  
2 attention of the school, Gwynedd Square  
3 Elementary School, that a student filed a  
4 complaint or, you know, concerns were  
5 raised about another student in the class  
6 and that, at that juncture, that was in  
7 the spring of those student's sixth grade  
8 year. The board came out -- in other  
9 words, it came out that there was also an  
10 assertion made that something had  
11 happened in the -- I want to say fall of  
12 the year. I don't recall exactly when,  
13 but if I had to estimate, not guess, it  
14 was November-ish, somewhere in there,  
15 that something had happened in the fall  
16 of the year --

17           Q.     Okay.

18           A.     -- with that male student  
19 and in this case a female student, who's  
20 the subject of this lawsuit.

21           Q.     Okay. And the male student,  
22 just so we're clear, are you talking  
23 about [REDACTED] [REDACTED]

24           A.     Yes.

1 Q. And the female student in  
2 the fall, that was [REDACTED] [REDACTED]

3 A. That's correct.

4 Q. And what, what was your  
5 understanding at the time of what had  
6 happened in -- like, what was the  
7 incident in the spring with the sixth  
8 grade female student and [REDACTED]

9 A. My recollection is that the  
10 female student in the spring reported  
11 either to the parent and the parent  
12 raised it to the school or the student  
13 raised it directly. I don't know for  
14 certain how it came to the attention of  
15 school officials. But that there was  
16 contact that was made by the boy that,  
17 you know, was unwelcomed (sic),  
18 upsetting, it was, you know,  
19 inappropriate and that it came out at  
20 that point that that same boy had done  
21 something to, in this case the subject of  
22 the lawsuit (sic), [REDACTED] in the fall.  
23 That's what I recall being told.

24 Q. When you say that he had

1     unwelcome, upsetting, inappropriate  
2     contact with the girl, can you be more  
3     specific than that, of --

4             A.     I --

5             Q.     -- what kind of contact  
6     you're referring to?

7             A.     I am not sure. It was of a  
8     sexual nature. But I don't know anything  
9     in terms of the detail of that. That's  
10    all I knew.

11            Q.     But you recall that it was a  
12    sexual nature?

13            A.     It was of a sexual nature  
14    and, and that it came out that there was  
15    also something that happened in the fall,  
16    and then it was explained to me that the  
17    teacher took the two students, the boy  
18    and the girl in the hall and said  
19    something to the effect of -- and did it  
20    together, which was, you know, really  
21    upsetting to me, concerning to me -- but  
22    had the boy and girl out there together  
23    and said something to the effect of, "you  
24    shouldn't be doing that, and if you don't

1 do it again, I won't say anything to your  
2 parents". You know, something to that  
3 effect is what I was told the teacher  
4 said, and for that the teacher, you know,  
5 got in trouble.

6 Q. Was the incident in the fall  
7 involving [REDACTED] and [REDACTED] do you  
8 recall what that act was or what was  
9 going on there?

10 A. No, I don't. All I was told  
11 was there was something happening -- the  
12 lights had been turned down, they were  
13 next to each other, and they were -- I'll  
14 use the term 'handsy' with each other.  
15 They were touching each other, is what I  
16 was told.

17 Q. And you don't recall who  
18 told you that?

19 A. That would have been either  
20 Dr. Santoro or Dr. McCue, but I'm not  
21 positive which one. And there's another  
22 possibility that they said, "Curt, we  
23 need to see you", and the two of them  
24 came to see me together. I mean, that's

1 a very likely possibility, but I don't  
2 remember.

3 Q. Okay. Was it your  
4 understanding, just like in the incident  
5 in the spring, you said that was -- you  
6 couldn't remember the specific details,  
7 but it was of a sexual nature, was the  
8 fall incident, also, from your  
9 recollection, of a sexual nature?

10 A. Yes.

11 Q. Once you were notified of  
12 this information, what did you do?

13 A. So, we had a discussion  
14 about it, and then I think that there was  
15 interviewing that was done of the  
16 teacher. My recollection is that would  
17 have been done with the director of HR,  
18 Cheryl McCue. I don't remember who else  
19 would have been present. I know our  
20 protocols would have indicated that a  
21 teacher's association or teacher's union  
22 rep would have been there with the  
23 teacher, but I don't know that for  
24 certain.

1           Q.     In preparation for your  
2 deposition today, did you review any  
3 documents?

4           A.     I did not.

5           Q.     Do you have anywhere that  
6 you keep any documents regarding, like,  
7 student issues or even, like, lawsuits  
8 that are filed or anything?

9           A.     The HR office keeps files on  
10 all, on all individuals.

11          Q.     When you say "keeps them on  
12 all individuals", what --

13          A.     All of our employees.

14          Q.     Okay. Like, employee files  
15 or something are kept in HR, is that what  
16 you're saying?

17          A.     Yeah.

18          Q.     Okay.

19          A.     Yes.

20          Q.     Is there any documentation  
21 or anything that you keep -- like, for  
22 example, one of the teachers that I had  
23 spoken to recently said that she has a  
24 Google drive from the district that she



1 keeps, like, important documents in -- do  
2 you as the superintendent have anything  
3 like that, any type of, like, file  
4 keeping on issues?

5 A. I don't. Now, I wouldn't  
6 call it a document, but we had e-mails.  
7 So we have an e-mail system that's  
8 archived. In preparation for this, I did  
9 do a review or a search in my e-mails to  
10 see what was in my e-mails that might  
11 help me and jog my memory, but I don't  
12 have a, like, a system of filing for my  
13 own. The things would be in the HR  
14 files.

15 Q. Did you -- in doing the  
16 e-mail search, did you come up with  
17 anything?

18 A. There were some e-mails in  
19 there, more recently, about this case and  
20 then --

21 Q. I --

22 A. -- there was an e-mail --

23 Q. I just want to jump in. I  
24 don't want to ask -- if your lawyers were

1 sending you e-mails, like, about  
2 deposition prep or something like that,  
3 I'm not asking about that.

4 A. Okay.

5 Q. But outside of  
6 communications with your counsel, was  
7 there anything that you had described to  
8 help refresh your recollection or to give  
9 you details as to what had happened in  
10 the past?

11 A. There was an e-mail from my  
12 then secretary, who is now retired,  
13 indicating that she had received a phone  
14 call, that Mrs. [REDACTED] wanted to  
15 speak to me about her daughter. There  
16 was an e-mail that -- I think it would be  
17 the mother -- [REDACTED] had filed  
18 indicating that they wanted certain  
19 records, and, you know, part of that  
20 e-mail, there was communication that was  
21 from an attorney with the mother. And  
22 then the rest of it would have been,  
23 like, in preparation for this.

24 Q. Okay. And so that e-mail

1     that you described, is that something  
2     that you still have today?

3             A.     I do, mm-hmm.

4             Q.     And is that -- your  
5     secretary was summarizing, like, what the  
6     call was about and --

7             A.     Well, no, not summarizing.  
8     But it was, "Mrs. [REDACTED] called you,  
9     it's about her daughter who is at  
10    Pennbrook, and she believes you know what  
11    this is about", you know, that kind of a  
12    thing.

13            Q.     Okay.

14            A.     Yeah. She didn't --

15            Q.     Okay. I'd ask that you give  
16    that e-mail to your counsel --

17            A.     Okay.

18            Q.     -- if you have it, after  
19    this deposition so that she can provide  
20    it to me.

21                    Did that help refresh your  
22    memory as to anything?

23            A.     No, it didn't.

24            Q.     Do you recall whether you

1 had talked to Mrs. [REDACTED] after that  
2 phone call -- or, after that e-mail that  
3 you got?

4 A. I do recall Mrs. [REDACTED]  
5 and I had a phone conversation, yeah.  
6 But that e-mail didn't help me remember  
7 that. I remember that we had that.

8 Q. Was that in relation to  
9 getting the documents together or a phone  
10 call involving something different?

11 A. That e-mail was back when  
12 [REDACTED] was in middle school. Mrs.  
13 [REDACTED] had called me, and [REDACTED] was  
14 in middle school. That's what that  
15 e-mail from my secretary was, "Mrs.  
16 [REDACTED] called to speak to you about  
17 her daughter who was at Pennbrook, she  
18 says you know what this would be about",  
19 that sort of thing.

20 Q. Okay.

21 A. I, I -- but I didn't need  
22 that e-mail to remind myself that I had  
23 talked with Mrs. [REDACTED]

24 Q. Generally -- just generally,

1    what was -- the telephone call you  
2    remember with Mrs. [REDACTED] what was  
3    the topic of that?

4           A.     The recollection I have of  
5    it was that she wanted her student to be  
6    able to attend North Montco Career  
7    Technical Center for her daughter's  
8    education, and she wanted to be certain  
9    that, you know, I understood that the  
10   boy, [REDACTED] [REDACTED] and [REDACTED] were not to  
11   be in the same classes together. I  
12   believe I recall, I'm almost certain of  
13   this, but I have to say I don't recall  
14   specifics, but I think we talked about  
15   the fact that both of them would be at  
16   the vocational technical school in, in  
17   the same building, but there would be a  
18   safety plan that mom was asking to be  
19   developed and that they wouldn't be  
20   crossing paths and seeing each other,  
21   they wouldn't be in the same lab area,  
22   you know, the same subject area.

23           Q.     And what -- in response to  
24   the mom asking for a safety plan, what

1 did you do, and how did you respond?

2 A. I spoke with North Montco  
3 Technical Career Center representatives,  
4 and they developed a safety plan at the  
5 North Montco Technical Career Center.

6 Q. Was -- from your  
7 recollection, was this in, like, the  
8 ninth -- [REDACTED] ninth grade year, like,  
9 from when she was in middle school, going  
10 part-time, and then trying to go  
11 full-time to North Montco?

12 A. My recollection is [REDACTED]  
13 was there in what they called the PYAP  
14 program, which is the Pennsylvania Youth  
15 Apprenticeship Program. So, my  
16 recollection is that [REDACTED] was in the  
17 full-time PYAP program but that the  
18 vo-tech school wasn't pleased and didn't  
19 think that she could continue there  
20 because she wasn't following the safety  
21 plan, is what I remember. That's what I  
22 recall. There was some issue with [REDACTED]  
23 attending, and the vo-tech saying, "we  
24 really don't want to have her back again

1 because she's not being cooperative with  
2 us to follow the safety plan". That's  
3 what I remember.

4 Q. Do you remember -- just to  
5 try and put it into context as to when  
6 the situation you're describing happened,  
7 do you know whether that was before or  
8 after [REDACTED] had gone to North Montco  
9 High School?

10 A. My recollection is it was  
11 after she had been attending there, and  
12 there was talk that they didn't want her  
13 to come back, that's what my recollection  
14 is. Like, she attended -- I'm pretty  
15 sure that she attended the PYAP program  
16 as a ninth grader and that they didn't  
17 want her back again because they were --  
18 I'm thinking they were certain about  
19 that, but they were just frustrated with  
20 her and didn't know that it was going to  
21 work, to have her continue in that  
22 program.

23 Q. So from your understanding,  
24 is that before she had gone to North

1 Montco High School?

2 A. She was already there.

3 Q. I'm sorry, I apologize. I  
4 meant to say North Penn High School.

5 Was it before she went to  
6 North Penn High School?

7 A. That would have been before  
8 she went to North Penn High School  
9 because our middle schools go seven  
10 through nine.

11 Q. Okay. I'll get back to the  
12 conversation that you had on the  
13 telephone with Mrs. [REDACTED] but  
14 right now I just want to focus on this  
15 incident that -- these incidents that you  
16 became aware of at Gwynedd Square  
17 Elementary School.

18 Once you had been notified  
19 of -- that there was a sexual nature  
20 incident in the fall with [REDACTED] and  
21 [REDACTED] and then a sexual nature incident  
22 that was in the spring with a different  
23 female student and [REDACTED] what did you  
24 do with that information?



1           A.       So, I don't recall the  
2 details of how that was pursued with the  
3 HR department, the school principal, very  
4 likely the director of education, and the  
5 employee, and perhaps an employee's  
6 representative, but I remember the  
7 conclusion was that the teacher would be  
8 suspended without pay, you know, would be  
9 suspended, because the way she handled  
10 that was not the way North Penn want her  
11 to -- she didn't handle it appropriately.

12           Q.       Okay. Before we get into,  
13 like, the -- what happened after that,  
14 like, in terms of the employee and stuff  
15 like that, as far as the -- just finding  
16 out about these two incidents with [REDACTED]  
17 and these two different girls in sixth  
18 grade, was there anything that you  
19 directed anybody to do, like an  
20 investigation or anything like that, as a  
21 result of learning this information?

22           A.       In terms of investigating  
23 the actual incident, I didn't have to  
24 direct them to do that. That -- they did

1 that as their, you know, normal protocol  
2 to do an investigation. I didn't have to  
3 direct them to do the investigation.  
4 They did the investigation.

5 Q. Was that something that you  
6 weren't involved with, then?

7 A. Only to get the summary  
8 that -- conclusion that the investigators  
9 made, was that the teacher brought the  
10 students into the hall together rather  
11 than individually and that the teacher  
12 made the comment -- I can't remember  
13 exactly what it was, but the gist of it  
14 was, "if you don't do this -- you are not  
15 to be doing this. If you don't do it  
16 again, I won't tell your parents". I  
17 think the teacher -- and my recollection  
18 is the teacher was asserting that she  
19 thought that it was a consensual sort of  
20 thing and that they didn't understand  
21 boundaries, didn't understand boundaries  
22 for one another and boundaries regarding  
23 school and that it was something they  
24 developmentally needed to learn. You

1 don't do this kind of think in a school  
2 setting, and you just don't do this kind  
3 of thing, generally. But she believed it  
4 was consensual. That's what I was told,  
5 that the teacher explained in terms of  
6 her thought process in that fall  
7 incident.

8 Q. When you --

9 A. But that still was something  
10 that we believe wasn't handled. You  
11 don't do it that way. You don't bring  
12 the two students together at the same  
13 times in the hallway, and you don't talk  
14 about how -- you know, don't do it again,  
15 and I won't tell your parents. Those two  
16 things, really, were so far out of bounds  
17 that we felt it was necessary to suspend  
18 the teacher, you know, as a consequence  
19 for her action.

20 Q. When you say that you don't  
21 interview the two students together,  
22 that's so out of bounds, what -- why  
23 don't you interview the two students  
24 together?

1           A.       That's a part of the sexual  
2 harassment training, you know, that we've  
3 had, as we had talked about earlier on  
4 this deposition. You don't do that, you  
5 don't bring, you know, potentially a  
6 victim with an aggressor together in the  
7 hallway to interview them at the same  
8 time, you just don't do that.

9           Q.       When you say "training that  
10 we've had", do you mean, like, the  
11 administration level training --

12          A.       Yes.

13          Q.       -- that you were talking  
14 about earlier?

15          A.       Yeah.

16          Q.       Okay. But just from your  
17 testimony earlier, you don't know whether  
18 that training made it down to the, like,  
19 staff employee level; is that right?

20          A.       I don't know; I'm not sure.

21          Q.       And you would have been  
22 looking to, like, the principal at the  
23 school to have done that; is that true?

24          A.       Yeah.

1           Q.     In terms of the  
2     investigation or the outcome of the  
3     incident of what happened with the two  
4     students, not really, like, the HR  
5     department, the teacher, but in terms of,  
6     like, the student, what [REDACTED] was doing  
7     or did, did you -- were you informed of  
8     an outcome of that investigation?

9           A.     In terms of, like, school  
10    consequences or that sort of thing?

11          Q.     Like, did it happen, like,  
12    you know, any of that? Was there a  
13    conclusion that you're aware of or were  
14    made aware of?

15          A.     No. I was not made aware of  
16    anything like that. That was handled at  
17    the school level. I don't know what, if  
18    any, consequence there were for this  
19    student.

20          Q.     Okay.

21          A.     It didn't rise to the level  
22    of expulsion, so it didn't come to me.

23          Q.     Okay. So, to clarify, I  
24    think you might have told us this

1 earlier, if it doesn't come to the level  
2 of a recommendation of the kid being --  
3 the student being expelled, you don't get  
4 involved in that?

5 A. That's correct.

6 Q. How is there -- is there any  
7 oversight over whether discipline of a  
8 student is appropriate?

9 A. So, the principal would, at  
10 times, be contacted by the student or the  
11 parent or the teacher regarding school  
12 discipline and whether the consequence  
13 was appropriate or not. So, somebody can  
14 call the principal and say, "I don't  
15 think my student should have gotten a  
16 detention for that" or "I don't think  
17 they should have been suspended", or  
18 whatever it might have been, you know,  
19 that can happen. Likewise, the teacher  
20 might say to the principal, "I don't  
21 understand why you gave, you know, this  
22 consequence when I sent the student to  
23 the office, I think there should have  
24 been a different consequence", or

1    whatever it might be.  Or the student,  
2    you know, might come advocate for  
3    themselves, to say, "I just don't think  
4    that was fair, wasn't the right, you  
5    know, thing to do".

6            Q.     Is there anyone in, like, a  
7    supervisory role, though, over a  
8    principal who would be, like, be able to  
9    tell whether a discipline was  
10   appropriate?  The examples you gave are  
11   kind of, like, a lower level; a teacher,  
12   a student, a parent.  What about from a  
13   higher level of a principal?

14           A.     I think there's times when  
15   parents appeal to the principal, and then  
16   there's parents that would appeal for a  
17   principal's decision, like they would  
18   call the director of elementary, for  
19   example, at the elementary level, the  
20   director of secondary or assistant  
21   superintendent, to say, "I don't think  
22   that my child should have gotten what  
23   they got" or, conversely, there are times  
24   when parents will call and they want to

1 know, "what did that student -- what  
2 happened to that student, I want to know,  
3 did they get, you know, X, Y or Z". That  
4 is something that we wouldn't be sharing  
5 with a parent because that's, you know,  
6 an educational record of the -- that  
7 student that's not theirs. So, you know,  
8 we wouldn't be talking about the  
9 individual consequences of another  
10 student.

11 Q. So, the example that you  
12 gave was kind of a parent then calling,  
13 like, whether it's an assistant  
14 superintendent or a director of something  
15 or whatever.

16 Is there -- would you agree  
17 with me that there's no independent  
18 oversight, though, like a director of  
19 special education or a assistant  
20 superintendent or a superintendent, that  
21 would be seeing whether discipline that  
22 principal is giving is appropriate in the  
23 circumstances?

24 A. Like, done independently,



1 reviewing each day's discipline to see  
2 if -- what was done that day?

3 Q. Just in any way. Like, is  
4 it independently done, or does the  
5 administration wait for, like, a -- if a  
6 parent calls or something, or if somebody  
7 calls with an issue, then they get  
8 involved, but otherwise there's no, like,  
9 independent process to be monitoring  
10 that?

11 A. No. I don't know of any  
12 independent process to monitor them.

13 Q. Okay. With your involvement  
14 or your, your knowledge about the  
15 incidents that occurred at Gwynedd Square  
16 involving [REDACTED] [REDACTED] is there anything  
17 you remember independently that you  
18 didn't already tell me?

19 A. No. That's all I remember.

20 Q. You were kind of just, once  
21 you got the information, other than the  
22 employee stuff, you were letting the  
23 student stuff be handled by people lower  
24 than you, correct?

1           A.     Correct.

2           Q.     I'm gonna --

3           A.     So there --

4           Q.     Go ahead.

5           A.     Yeah.  So, when you say  
6 Gwynedd Square, at the end of Gwynedd  
7 Square, prior to middle school, then  
8 there was the parent request -- my memory  
9 says the two students would have been  
10 slated to go to the same middle school  
11 and the parent didn't want the students  
12 to go to the same middle school, and my  
13 recollection is that the parent asked for  
14 a different middle school, wanted to go  
15 to Pennbrook Middle School instead of --  
16 I think it would have been Penndale  
17 Middle School, from Gwynedd Square.  So,  
18 they weren't desirous of having their  
19 daughter -- I mean, the mom was not  
20 desirous of having [REDACTED] attend the same  
21 middle school, wanted a different middle  
22 school and requested that the child be  
23 permitted to attend Pennbrook Middle  
24 School.  Now I don't remember if she

1     contacted me about that or if I was told  
2     about that. I don't remember for  
3     certain.

4             Q.     Okay.

5             A.     But I remember, I remember  
6     believing, understanding, whatever word  
7     you wanted to use, that she wanted a  
8     different middle school, that I remember,  
9     and that would have had to have been at  
10    the conclusion of Gwynedd Square, prior  
11    to going to middle school. So I don't  
12    know exactly when that would have been,  
13    if that would have been, you know, May,  
14    June, July or August, but it would have  
15    been prior to the start of school in  
16    September.

17            Q.     So you were aware of that  
18    before the actual transfer was made?

19            A.     I was aware she asked for a  
20    transfer of attendance, is what we call  
21    them. But don't remember if she asked me  
22    about that. I don't handle those. So,  
23    I'm not positive about that, if she said,  
24    I would like to have it -- to me or if

1 somebody told me she had made that  
2 inquiry with them about a different  
3 middle school. But I remember  
4 understanding that she wanted a different  
5 middle school than the one where [REDACTED]  
6 was going to be going to.

7 Q. Did you understand why she  
8 was making that request?

9 A. She didn't want them in the  
10 same middle school, the two children.

11 Q. But was it as a result of  
12 what had happened in the sixth grade year  
13 between the two of them?

14 A. I think it was a result of  
15 that, you know, that interaction that was  
16 happening in the, in the elementary  
17 school, that she just felt it would be  
18 better if they would go to different  
19 middle schools, and she wanted to have  
20 her child go to Pennbrook.

21 Q. Okay.

22 A. Yeah.

23 Q. Even though -- since you  
24 said you weren't readily involved in this

1 transfer of students or transfer of  
2 class, do you know why you were brought  
3 into the loop on this one?

4 A. Again, that's what I'm  
5 trying to recall, if she asked me and I  
6 directed to someone else, or if she asked  
7 for a transfer of attendance and I was  
8 told about it. That's the part I don't  
9 remember.

10 Q. Okay. Whether it was you  
11 or, or somebody else that you were aware  
12 of that somebody else was actually  
13 handling the transfer, do you know  
14 whether there was any discussion with  
15 [REDACTED] her mother about [REDACTED]  
16 education course being changed versus  
17 [REDACTED]'s?

18 A. I remember vaguely that the  
19 mother -- I'm almost positive, I'm not a  
20 hundred percent sure about this -- but  
21 the mother thought that [REDACTED] shouldn't  
22 be permitted to go to the vo-tech school,  
23 because [REDACTED] wanted to go to the  
24 vo-tech school, and I am pretty sure that

1 we discussed that we weren't going to  
2 prohibit [REDACTED] from pursuing his, you  
3 know, line of education, his access to  
4 the particular programs because the  
5 vo-tech school has, you know,  
6 specialties. It's different than the  
7 middle schools which would offer the same  
8 courses. I am pretty sure that the mom  
9 had called me to say, "I don't think that  
10 [REDACTED] should be permitted to go to the  
11 area vocational technical school because  
12 my daughter wants to go there", and we  
13 discussed that he would be permitted to  
14 pursue his education and that the vo-tech  
15 school would develop a safety plan where  
16 the two wouldn't, you know, be together  
17 in the same course of study, because they  
18 weren't interested in pursuing the same  
19 course of study, yeah.

20 Q. Why, why would you tell  
21 Mrs. [REDACTED] that you wouldn't limit  
22 [REDACTED] ability to attend the tech  
23 school, even though [REDACTED] was attending  
24 the tech school and at this point was the

1 incident in elementary school and then  
2 she had transferred to the middle school  
3 to separate herself from him?

4 A. Why would we not use that as  
5 a reason to bar him from pursuing his  
6 area of interest, is that what your  
7 question is?

8 Q. Yeah. Why are you telling  
9 the parents that you're not going to or  
10 that you -- was it that you weren't going  
11 to or you can't prevent him from going to  
12 a tech school?

13 A. Well, it would be a very  
14 high standard to meet to prevent somebody  
15 from pursuing their area of interest and  
16 go to a specialty school like the vo-tech  
17 school when they're other remedies that  
18 are possible for a school safety plan or  
19 individual safety plan. So, that would  
20 have been the discussion, that, you know,  
21 we believe that he would be permitted to  
22 attend the vocational technical school to  
23 pursue his area of interest. And at  
24 that, you know, junction, what we had was

1 the two students reporting to the --  
2 explanation was given, when the lights  
3 were down, they were -- you know, the  
4 teacher believed consensually touching  
5 each other, that's what we had at that  
6 point in time.

7 Q. Did you -- you said the  
8 teacher believed it was consensually  
9 touching -- did you believe it was  
10 consensually touching each other?

11 A. I wasn't there. I didn't  
12 see it; I wasn't there.

13 Q. But, but you were told the  
14 information, correct?

15 A. I had no reason to believe  
16 that it was anything different than what  
17 the professional in the classroom  
18 observed. So, that's what I was told.

19 Q. So are you, are you -- just  
20 so I understand your testimony, are you  
21 telling me today that you also believed  
22 that it was consensual, then, because the  
23 teacher -- that's what the teacher told  
24 you, and you're going to go with what the



1 teacher said; is that true?

2 MS. JORDAN: Note my  
3 objection to the form of the question.  
4 You can answer.

5 THE WITNESS: So, ask it  
6 again -- in a different way, rather.

7 MS. LAUGHLIN: Sure.

8 BY MS. LAUGHLIN:

9 Q. The -- we're talking about  
10 the sixth grade incident, and I asked you  
11 if you thought it was consensual, and you  
12 had said, I can't -- I wasn't there", and  
13 I said, "I know, but you told me that --  
14 or, you were told what happened".

15 So I'm asking, from your  
16 understanding, was that consensual? And  
17 I think that your answer was that you had  
18 to go by what the teacher who witnessed  
19 it told you, and so --

20 A. Do the investigation myself.  
21 I didn't see it, I didn't have  
22 discussions with the teacher about the  
23 particular act and, you know, what it is  
24 that the teacher saw or anything like

1     that. My interaction with the teacher  
2     was that they were not to have taken the  
3     two students out together, and they were  
4     not to have said, "don't do it again, and  
5     I won't call your parents".

6                     But in terms of the  
7     disposition of that incident, the teacher  
8     believed that it was consensual activity  
9     between those two students, and that's,  
10    you know, what I was told. So, that --  
11    absent any additional information that  
12    anyone could have provided, I didn't  
13    believe that it raised to the level of  
14    barring another student from their course  
15    of study. So, Mrs. [REDACTED] had no  
16    other information to provide to me to  
17    indicate anything different than what we  
18    had.

19                    Q.     You told me that it's a very  
20    high burden to interrupt a student from  
21    their choice of course of study; is that  
22    right?

23                    A.     That's correct.

24                    Q.     When you say "it's a very

1 high burden", what's the burden?

2 A. I just think it's really  
3 difficult to bar a student from a course  
4 of study that's not offered. It's one  
5 thing at the middle school, it's another  
6 thing to bar them from a particular  
7 course of study that's a specialty. So  
8 we do, you know, expel students and  
9 they're put on some alternative program  
10 or anything like that. If there's a  
11 case -- so if a student makes a bomb  
12 threat or, you know, brings a weapon into  
13 school, you know, they can be expelled  
14 from school, you know, that sort of  
15 thing, and then they are able to access  
16 their education or we provide them with  
17 an education if they can't within the 30  
18 days. But we didn't have, you know,  
19 something that rose to an expulsion  
20 level, so there wasn't, you know, a need  
21 to expel someone or bar them from a  
22 school or something like that.

23 Q. So the, the very high  
24 burden, is it more, like, an expulsion

1 level, and that's what would -- something  
2 that rises to the level of requiring a  
3 student's expulsion to prevent them from  
4 doing the course of study that they want  
5 to do that's specialized?

6 A. Well we -- yeah, and we  
7 would have to look at, is there a  
8 reasonable safety plan that could be put  
9 into place, because the mom was concerned  
10 that her daughter and this boy were going  
11 to be in the same school together. But  
12 in conversation with North Montco, we  
13 were reassured as North Penn School  
14 District that they weren't choosing the  
15 same course of study and that they could  
16 put a safety plan together where the two  
17 need not, you know, be together in the  
18 school at the same time.

19 Q. I want to go through --  
20 since you didn't review them in advance  
21 of the deposition today, and I don't --  
22 you know, it sounds like the -- we'll go  
23 through the documents that we have from  
24 that period of time in Gwynedd Square to

1     see if it helps refresh your recollection  
2     or go through the notes that you were  
3     present for, okay?

4             A.     Sure.

5             Q.     Are you able to see my  
6     screen?

7             A.     I am, yeah.

8             Q.     Okay. And just let me know  
9     if you need it any bigger or something  
10    like that.

11                    But for the record, I'm  
12    referring to North Penn production bates  
13    number 1003. These are notes, from my  
14    understanding, of Cheryl McCue from  
15    meetings that occurred following the  
16    Gwynedd Square incidents in sixth grade.  
17    At the top right-hand corner, it's dated  
18    May 5th, 2015, and there's a list of  
19    attendees, and the second one is Curt,  
20    which I assume is you, Dr. Dietrich; is  
21    that right?

22             A.     I think that's a very good  
23    assumption.

24             Q.     Okay. Is there any other

1 Curt that you're aware of?

2 A. Not that would have been at  
3 a meeting like this.

4 Q. Okay.

5 A. That would have been me.

6 Q. I'm sorry, can you say that  
7 again.

8 A. That would have been me.

9 Q. Okay.

10 A. Yeah. That would have been  
11 me.

12 Q. Okay. And this is Holly,  
13 meaning Holly Andrew. Does that refresh  
14 your memory as to who the teacher was who  
15 was involved in the sixth grade incident  
16 with [REDACTED] and [REDACTED]

17 A. Yes.

18 Q. Okay. And I'll just read  
19 through these, these notes to see if it  
20 refreshes your recollection.

21 It says, acts so egregious?  
22 And then it says, poor judgment not  
23 reporting sexual to authority. Girl and  
24 guy questioned together. Telling

1 students that it will go no further, if  
2 they stopped, they won't tell the  
3 parents, and then it says, not  
4 consensual, not appropriate school  
5 behavior today and then letter.

6 Do you see all that?

7 A. I do.

8 Q. Do you recall this meeting  
9 at all?

10 A. I don't.

11 Q. Based on reading this, do  
12 you recall any discussion about what was  
13 happening being not consensual?

14 A. I do not.

15 Q. I'm going to go to a second  
16 meeting, that was June 9th, and for the  
17 record, it starts on North Penn  
18 production 994.

19 Do you recall there being a  
20 grievance filed by Holly Andrew?

21 A. I do.

22 Q. What do you recall about  
23 that?

24 A. They weren't happy with the

1 consequences that Holly needed to face  
2 because of her actions, so they filed a  
3 grievance. And then I recall that  
4 eventually there was a settlement, like,  
5 a discussion, and the grievance was  
6 settled later after it was filed. But  
7 that was -- the reason for the grievance  
8 was they thought we overstepped our  
9 bounds by suspending her.

10 Q. Like, the -- because the  
11 records show she had a two-day  
12 suspension.

13 A. Yeah.

14 Q. Does -- is that consistent  
15 with your memory?

16 A. Yeah, that's consistent. I  
17 wasn't positive, before you just said two  
18 day -- if it was two or three, but I  
19 remember she was suspended, and they  
20 didn't think that that was right. She  
21 shouldn't have been suspended, is what I  
22 remember.

23 Q. Based on your recollection,  
24 did you agree that she shouldn't have



1    been suspended, or what did you feel was  
2    appropriate at the time?

3           A.     I felt she should be  
4    suspended.

5           Q.     And why is that, do you know  
6    why you had that feeling of she deserved  
7    to be suspended?

8           A.     Because what I stated  
9    earlier, that she took the two students  
10   out there together and that she made a  
11   statement, something to the effect of,  
12   you know, don't do it again, if you don't  
13   do it again, I won't contact your  
14   parents. And those two things were just  
15   really concerning.

16          Q.     Why are they concerning,  
17   those two things?

18          A.     That's not the way you  
19   handle it. You don't take two students  
20   out in the hallway at the same time. You  
21   don't tell students, "okay, if you don't  
22   do this again, I won't tell your  
23   parents". Both of those are wrong.

24          Q.     Why are they wrong, like,

1 what, what can happen, or what's your  
2 understanding of why you don't do that?

3 A. In training on sexual  
4 matters, it was explained to us that you  
5 don't take the two individuals, one who  
6 could be an aggressor, one who could be a  
7 victim, together at the same time and  
8 interview them together. That's not how  
9 you do that. You also don't tell  
10 students things like "don't do it again,  
11 I won't tell your parents". That's not  
12 the standard that we want teachers to,  
13 to, you know, carry out. You just don't  
14 do it that way.

15 Q. Is one of the reasons you  
16 don't do it that way because the victim  
17 may not feel comfortable to say what was  
18 really going on in front of the alleged  
19 aggressor?

20 A. That's a possibility.

21 Q. Are there other  
22 possibilities or other reasons why you  
23 don't do it that way or why that's the  
24 wrong way to do it?

1           A.       I think you want to be able  
2 to hear independent recollections of what  
3 happened and not have them together at  
4 the same time, you know, telling you what  
5 happened. You want to talk to students  
6 individually and tell -- you know, get  
7 exactly what happened.

8           Q.       Can it also be that, if  
9 you're telling students don't do it  
10 again, it won't happen again -- or, if it  
11 doesn't happen again, I won't tell your  
12 parents, is that something that, just  
13 doing that alone, can be difficult to  
14 prevent that from happening again?

15                   MS. JORDAN: Note my  
16 objection to the form of the question.  
17 You can answer.

18                   THE WITNESS: I don't  
19 understand that question.

20                   MS. LAUGHLIN: Sure. That  
21 was a bad question.

22 BY MS. LAUGHLIN:

23           Q.       I think what I'm trying to  
24 ask is, when it's only talked to with the

1 students, like, with Ms. Andrew brought  
2 these two students out in the hallway and  
3 talked to them and didn't, you know, tell  
4 the principal or something like that, is  
5 it more of a risk that -- or, will  
6 someone be able to intervene in that, if  
7 that's the way that it's handled? When I  
8 see someone, I mean, like, at  
9 administrator.

10 A. Well administrator wouldn't  
11 be able to intervene if the teacher  
12 didn't make administration aware of it or  
13 apparent or a student made  
14 administration know, they wouldn't know  
15 about it. So --

16 Q. Do you know whether --  
17 sorry, go ahead.

18 A. I don't know how else to  
19 answer your question. I guess I don't  
20 understand it clearly enough.

21 Q. Would that have the  
22 potential to increase the risk that that  
23 action by that student is going to happen  
24 again if administration was not aware of

1 it?

2 A. Yeah. I think if  
3 administration is not aware of an action,  
4 that could increase the odds that that  
5 action could happen again. I -- that's  
6 just a general observation, I suppose,  
7 that could be made about things, yes.

8 Q. What about if proper -- the  
9 proper response is not taken afterwards,  
10 does that increase the risk that, if the  
11 proper response wasn't taken to action,  
12 that that action can happen again?

13 MS. JORDAN: Note my  
14 objection to the form of the question.  
15 You can answer.

16 THE WITNESS: Yeah. That is  
17 a subjective kind of judgment you're  
18 trying to ask me to make about things,  
19 generally. I, I don't really  
20 understand what you're trying to say  
21 there. What do you mean? What do you  
22 mean?

23 BY MS. LAUGHLIN:

24 Q. Whey don't we move on.

1 We'll come back to that. Let's do Page  
2 994 and go over these notes.

3 And since you haven't  
4 reviewed this, do you know whether you've  
5 ever seen this document?

6 A. I have not.

7 Q. Okay. It's dated June 9th,  
8 2015, and again, you're listed at the top  
9 as people attending this meeting, and it  
10 says that it's you, Cheryl McCue, Holly  
11 Andrew and Alan, who, it's my  
12 understanding from prior testimony from  
13 other witnesses, was the union  
14 representative for the teachers. Is that  
15 your understanding?

16 A. Yes.

17 Q. Okay. And then, on the  
18 left-hand side, there's initials as to  
19 who is speaking in the, the meeting. Is  
20 that your understanding as well?

21 A. I think that's accurate,  
22 yeah.

23 Q. Okay. And so let's go  
24 through this note kind of line-by-line so

1 we can -- because there's things in here  
2 that are attributed to you that we can  
3 maybe help refresh your recollection or  
4 see if it refreshes your recollection  
5 about this meeting.

6 Alan says, TX -- I think  
7 thank you -- for the time to meet. Filed  
8 a grievance at the advice of PSCA. HA,  
9 Holly Andrew, understands better  
10 judgement/decisions to be made. Want to  
11 make sure punishment fits the crime  
12 across the state concerns. Then Holly  
13 describes, back in November/mutual both  
14 hands under the table when caught. Good  
15 friends. And then she says never  
16 mentioned caught -- and then it says -- I  
17 don't know what the next word is -- but  
18 called into hallway. Wrote immediately  
19 in lapse in judgement not sending to  
20 principal. I do not feel that what I  
21 witnessed was sexual harassment/assault.

22 Do you recall -- going  
23 through this, do you recall being in this  
24 meeting and having this discussion?

1           A.       I recall that there was a  
2 grievance and that there was a meeting to  
3 deal with the grievance. These notes are  
4 helpful, but if you would have said,  
5 "Curt, you know, give me these kinds of  
6 details", I would not have been able to  
7 do that.

8           Q.       Okay. When it says CD, your  
9 initials, and it says other thoughts, do  
10 you recall, like, what this is about?

11          A.       Yeah. That would have  
12 been -- so if you scroll up there  
13 earlier -- so, Holly and Alan had spoken  
14 to that point, and I asked, "are there  
15 any other thoughts, anything else, you  
16 know, anything else to say", that's what  
17 that would have been.

18          Q.       Okay. And then it says that  
19 Holly referred to the other issue brought  
20 up by Francis Gardner, an e-mail --  
21 everything with Bill Bowen, the  
22 principal. The lawyer letter previous --  
23 by North Penn School District -- a few  
24 years. Didn't cause the issue. Copies



1 of parental concerns and parent's lawyer.

2 Do you remember that at all,  
3 Holly discussing those things?

4 A. I don't. I don't know what  
5 that's about.

6 Q. And then Cheryl McCue wrote,  
7 clarified suspension with issue and  
8 question.

9 Do you recall that  
10 discussion?

11 A. I can't add anything to  
12 that, no.

13 Q. Okay. And then, this is  
14 you again, CD, it says, focus on the  
15 touching issues. Framed it well. Is  
16 two-day suspension appropriate to  
17 conduct. Promise I'll think about it,  
18 but I need -- and it says, be remiss to  
19 tell you, really, times three, egregious  
20 act.

21 Do you recall this part of  
22 the conversation?

23 A. I remember thinking that  
24 they were saying there shouldn't have

1    been a two-day suspension, that wasn't  
2    appropriate, and I believe we were  
3    wrestling between whether it should be  
4    two or three, and that's what I said to  
5    you earlier. I couldn't remember if we  
6    gave her three or if we gave her two, how  
7    many days we gave her. And they were  
8    arguing that, you know, we overstepped  
9    our bounds, if you will, to do a  
10   suspension at all, and that's why they  
11   were filing a grievance.

12           Q.     And when it says "I need to  
13   be remiss to tell you, really, like,  
14   really, really, really egregious act, do  
15   you recall saying that to Holly in this  
16   meeting?

17           A.     I don't recall those words,  
18   but I remember that I was not happy at  
19   all that she took two students into the  
20   hall together and that she made a  
21   statement to those students that, if you  
22   don't do it again, I won't tell your  
23   parents. That was just -- she was wrong  
24   for doing that. You don't do it that

1 way. You don't take two students  
2 together into the hall and do that, like  
3 we talked about, and you don't make a  
4 statement, "well, if you don't do it  
5 again, I won't tell your parents". That  
6 was not good, and she needed to be  
7 consequenced (sic) for that.

8 Q. Was there -- did teachers  
9 have any independence in what they did or  
10 didn't tell the student's parents in the  
11 context of things like this?

12 A. In the context of things  
13 like this; I think --

14 Q. Like -- yeah, sorry. Just  
15 to be clear, actions of a sexual nature  
16 in the sixth grade.

17 A. So, actions of a sexual  
18 nature, I believe that that should have  
19 been reported to the principal and that  
20 together they would have -- should have  
21 contacted the parent to indicate to them  
22 what they saw, even if she believed that  
23 it was consensual, which I understand  
24 that she believed it was consensual. I

1 still believe that if it rose to the  
2 level of taking a student out into the  
3 hall, and in this case two students into  
4 the hall, to talk to them about it, that  
5 that should have been reported to the  
6 principal and should have been reported  
7 to the parents, and she didn't do that.

8 Q. Okay. Is there an  
9 understanding that you had about -- using  
10 the term consensual, is there a certain  
11 age where students can consent to actions  
12 of a sexual nature?

13 MS. JORDAN: Objection to  
14 the form of the question.

15 You can answer.

16 BY MS. JORDAN:

17 Q. If you know, to your  
18 understanding.

19 A. To my understanding, is  
20 there an age of consent for something  
21 that would be of a sexual nature, I'm not  
22 positive about that answer. So I'm not  
23 going to guess.

24 Q. Okay. It says, focus on a

1 touching issue. Framed it well. Let's  
2 see, that was that part. And then it  
3 says, and comment regarding public in the  
4 news today for us as an -- as education  
5 institution and speed a response.

6 Do you recall this part --

7 A. Uh-uh.

8 Q. -- of the discussion?

9 A. No, I don't. I could --  
10 again, I don't want to guess. So, I, I  
11 don't know.

12 Q. Okay. And it says, concern  
13 for you to take it on yourself subjected  
14 to more and no one should need to endure  
15 that, shouldn't have taken it on  
16 yourself, huge.

17 Do you recall this  
18 discussion and what you were saying to  
19 people at the meeting?

20 A. The general recollection is  
21 that she should have taken it to the  
22 principal and that they then would have  
23 reported it to the parents, and it was  
24 not something that she should have

1 unilaterally done, you know, like, taking  
2 two kids together in the hallway at the  
3 same time and saying what she said, and  
4 that's why we suspended her.

5 Q. The next thing is, good  
6 thing first time you have been called in  
7 for that kind of offense, second time it  
8 wouldn't be two days.

9 Is that you saying, if it  
10 happens again, you wouldn't get a two-day  
11 suspension; if you recall?

12 A. I don't recall this  
13 conversation, but if somebody did the  
14 same thing again, it wouldn't be two  
15 days, so.

16 Q. Meaning, it should be more  
17 severe?

18 A. Yeah. She should not have  
19 taken students together in the hallway,  
20 and she should not have made the  
21 statement she made regarding, "I won't  
22 tell your parents if you don't do it  
23 again".

24 Q. Do you remember anything

1 about Alan, the union representative,  
2 saying stuff about, 20 years ago, okay;  
3 now, two friends being too amorous when  
4 lights went out, do you remember this  
5 discussion?

6 A. No, I do not.

7 Q. Do you remember Holly  
8 talking about going to her grade partner,  
9 Ruth Diver, about it?

10 A. I do. I remember that she  
11 reported that. It wasn't just her own  
12 judgment on how to proceed, that she had  
13 talked to Ruth Divers about it.

14 Q. And what do you remember  
15 about her talking to Ruth Diver?

16 A. Just, basically, that she  
17 had said that she had gone to Ruth Divers  
18 to tell her about it, and I believe that  
19 Ruth Divers had told somebody -- I'm not  
20 sure who it would have been, I never  
21 talked to Ruth, that I can recall, I  
22 don't think I ever did -- that Ruth  
23 trusted Holly's interpretation because  
24 Ruth didn't see it herself. That's what

1 I remember.

2 Q. Did Ruth Diver, as a result  
3 of this, since Holly Andrew had  
4 communicated what she saw to Ruth Diver  
5 and then it still wasn't reported to the  
6 building principal, did Ruth Diver get  
7 disciplined at all?

8 A. I don't think Ruth Diver got  
9 disciplined in terms of -- I know I  
10 didn't suspend her or do anything that  
11 would have risen to my level. I don't  
12 know if the principal did anything else  
13 with Ruth. You'd have to ask him.

14 Q. Since it involves an, you  
15 know, an employee of the district, things  
16 like discipline and stuff, that is  
17 something that falls on you, right --

18 A. Well --

19 Q. -- that you're responsible  
20 for?

21 A. The human resources  
22 department would do that, but if there's  
23 an actual suspension where the person is  
24 going to, you know, not receive pay or



1 something like that, then that would come  
2 from -- the superintendent would be the  
3 one that suspended the person. That's  
4 the way we were operating, you know, with  
5 Dr. McCue.

6 Q. Okay. Holly Andrew then  
7 says, snowballed, police involved with  
8 more students.

9 Do you recall this part of  
10 the conversation?

11 A. I don't recall that part of  
12 the conversation in this meeting. I  
13 think that the police were -- I think law  
14 enforcement was involved, and there was  
15 the whole thing about the Mission Kids,  
16 and Mission Kids is who does, you know,  
17 interviews and everything like that. But  
18 I'm not sure that the parents agreed to  
19 Mission Kids interviewing their daughter.  
20 So you might have additional  
21 documentation on that, but I don't, I  
22 don't recall that they agreed to do that.

23 Q. Meaning, that, like, for the  
24 district to notify Mission Kids, or what

1 are you referring to?

2 A. No. That the parents agreed  
3 to it, to have -- transport their  
4 daughter to Mission Kids and have them do  
5 the interview.

6 Q. Are you referring to [REDACTED]  
7 and her parents?

8 A. Yeah. Mm-hmm. Yeah.

9 Q. If that's the case, does  
10 Mission Kids close the -- their  
11 investigation, then; if you know?

12 A. I think, if they don't have  
13 a cooperative witness, if you will, in  
14 other words, if they don't have somebody  
15 that's willing to talk to them, then  
16 there's nothing they can do. You know,  
17 so I believe that would be the case, they  
18 would close it.

19 Q. And at that point, because I  
20 know earlier in the -- in your testimony,  
21 you were saying that the district policy  
22 is to wait until the Mission Kids or the  
23 police are done with their investigation  
24 before they get more than just the

1 minimal facts, I think, was your language  
2 that you used, at that point, would it be  
3 the district's responsibility, where  
4 now -- to complete the investigation and  
5 do the interviews and such?

6 MS. JORDAN: Objection to  
7 the form of the question.

8 You can answer.

9 THE WITNESS: We wouldn't  
10 bring a student in and have the  
11 student go through everything again  
12 with us. We would trust Mission Kids  
13 to have done that thoroughly, and that  
14 was part of Risa Ferman's whole, you  
15 know, desire to, really, use Mission  
16 Kids and use Mission Kids in the way  
17 that I had talked about earlier. We  
18 would not subject individuals to our  
19 own cross-examination and questioning  
20 and everything. Mission Kids did that  
21 or had the opportunity to do that.

22 BY MS. LAUGHLIN:

23 Q. What about in the example  
24 you just gave, where you believe there

1    wasn't a Mission Kids interview, would  
2    the district then have any responsibility  
3    to do -- to interview the kids?

4                   MS. JORDAN:  Note my  
5    objection to the form of the question.  
6                   You can answer.

7                   THE WITNESS:  Yeah.  The,  
8    the parents aren't going to cooperate  
9    with Mission Kids, we would not, you  
10   know, push through to insist that the  
11   student, you know, get into details  
12   beyond what they're comfortable  
13   getting into with us.

14  BY MS. LAUGHLIN:

15                  Q.     In the district's  
16   investigation at that point, the victim's  
17   parents wouldn't want to be interviewed?

18                  MS. JORDAN:  Note my  
19   objection to the form of the question.  
20                  You can answer.

21                  THE WITNESS:  Yeah.  Again,  
22   you're making it a little more  
23   simplistic, perhaps, than I can,  
24   really, answer.

1                   So, it's likely, but there  
2           might be other reasons that we would  
3           have to pursue it, if there are other  
4           individuals. But in terms of, for  
5           that individual, we wouldn't insist  
6           that they sit and talk with us about  
7           details.

8 BY MS. LAUGHLIN:

9                   Q.       Have there been times over  
10          the course of you being superintendent of  
11          the district that you can recall Mission  
12          Kids being completed with their interview  
13          and then the district does their own  
14          investigation?

15                  A.       No. That -- an  
16          investigation -- in other words, we  
17          wouldn't repeat the work of Mission Kids.  
18          So, I can't recall any time that we've  
19          ever done that.

20                  Q.       Like, interviewing students  
21          that were involved or -- not just the  
22          victim, but, like, other -- whether it's  
23          the aggressor, I think you called the  
24          person, or other potential witnesses, is

1     that something you normally would do or  
2     recall doing?

3                     MS. JORDAN:   Not my  
4     objection to the form of the question.  
5                     You can answer.

6                     THE WITNESS:   I don't recall  
7     that.

8     BY MS. LAUGHLIN:

9                     Q.     Okay.   At the meeting, you  
10    also said, that's exactly why we need  
11    to deal with it appropriate in the  
12    beginning -- appropriately in the  
13    beginning.   Other thing bad, talking to  
14    the kids together, the victim is not --  
15    comfort visit and won't talk.   Really is  
16    a bad idea.

17                    I know you've already  
18    explained to us her pulling the kids out  
19    and how wrong that was, but when you say  
20    that's exactly why we need to deal with  
21    it in the beginning, do you recall what  
22    you were discussing then?

23                    A.     She needs to talk to the  
24    principal and she needs to make, you

1 know, the principal aware, and the  
2 principal and, you know, whoever else  
3 would contact the parent.

4 Q. So that it doesn't snowball  
5 and more students become involved?

6 MS. JORDAN: Note my  
7 objection to the form of the question.

8 THE WITNESS: For whatever  
9 reason, so that -- you know, it's --  
10 it was wrong for her to do that, the  
11 way she handled, that's why she was  
12 suspended.

13 BY MS. LAUGHLIN:

14 Q. I understand that. But, I  
15 think, in terms of this meeting, and I  
16 know you don't recall, like,  
17 independently, specific -- discussed, but  
18 I'm trying to -- based on the notes that  
19 are here whether one of the reasons you  
20 needed to deal with it appropriately in  
21 the beginning, would you agree with me,  
22 so more students didn't get involved with

23

24

MS. JORDAN: Objection.

1           Asked and answered.

2                       He said "for whatever  
3           reason".

4                       MS. LAUGHLIN: I'm asking if  
5           one of those reasons is what I just  
6           said.

7                       MS. JORDAN: Note my  
8           objection to the form of the question.  
9           You can answer.

10                      THE WITNESS: So, you would  
11           like to have -- the question answered,  
12           what, again?

13   BY MS. LAUGHLIN:

14                      Q.       Is one of the reasons that  
15           you needed to act -- or, you needed Holly  
16           to act properly in the beginning, to deal  
17           with it appropriately -- sorry -- is one  
18           of the reasons that you needed to deal  
19           with it appropriately in the beginning is  
20           that so more students didn't get involved  
21           in incidents with [REDACTED]

22                      MS. JORDAN: Note my  
23           objection to the form of the question.  
24           You can answer.



1                   THE WITNESS:   So, we want to  
2       deal with things in the beginning,  
3       when they happen, and that's, you  
4       know, necessary for us to do, for  
5       whatever possibilities -- I don't know  
6       what even all those possibilities  
7       might be, but we need to deal with  
8       things that happen at the time that  
9       they happened so that they're dealt  
10      with then, and we're not into trying  
11      to remember something that happened a  
12      long time ago.  We're not into, you  
13      know, a situation -- like you said,  
14      it's a possibility that somebody does  
15      something and then they do it again  
16      later.  There are a lot of reasons why  
17      you need to do something in a timely  
18      kind of a way.

19  BY MS. LAUGHLIN:

20               Q.       And so, just be clear, one  
21      of those reasons, like you just said, was  
22      that so somebody doesn't do something  
23      again?

24                   MS. JORDAN:   Note my

1 objection to the form of the question.

2 You can answer.

3 THE WITNESS: So there was a  
4 situation, I gather, in the spring  
5 where this student was doing  
6 something, and I have to tell you, I  
7 don't know what all of those details  
8 were, but there was apparently  
9 something that happened at the school  
10 level in that classroom, and that's  
11 when it came out that something had  
12 happened in the fall prior, and I  
13 think that was in the spring, and  
14 Holly Garrett -- or Holly Andrew, I  
15 think she was known at the time --  
16 Holly should have told us that back in  
17 the fall so that we could have dealt  
18 with it then.

19 BY MS. LAUGHLIN:

20 Q. Now that the district or  
21 administration was aware of it at this  
22 point, after the incident from the  
23 spring, do you recall what the district  
24 did do to deal with it, other than the,

1 the Holly Andrew administration with the  
2 two-day suspension, I mean in terms of  
3 the --

4 A. That would --

5 Q. -- students?

6 A. Yes. That would have been  
7 handled at the school level.

8 Q. Were you aware at all as to  
9 what was happening or what happened?

10 A. I don't know what they did  
11 in terms of any -- if any consequences or  
12 things regarding the students, you know,  
13 that kind of thing. I don't know. I'm  
14 not sure. You'd have to ask the  
15 principal that.

16 Q. Was that -- would you agree  
17 with me, that wasn't reported to you?

18 A. In terms of what --

19 Q. The investigation for the  
20 students.

21 A. -- for the students?

22 Q. The investigation into the  
23 students and the conclusion of that  
24 investigation.

1 MS. JORDAN: Note my  
2 objection to the form of the question.  
3 You can answer.

4 THE WITNESS: I don't recall  
5 what -- if I was ever even told or  
6 whatever. As I explained earlier in  
7 this deposition, the consequences,  
8 discipline, whatever it might be,  
9 happens at school level unless it  
10 rises to the level of an expulsion or  
11 they're recommending expulsion. So  
12 that wasn't the case here.

13 BY MS. LAUGHLIN:

14 Q. On Page 996, there's your  
15 initials, again, and it says, that said  
16 she asked for it, seeked (sic) it out.  
17 Hands up shirt okay? That's just -- it  
18 looks like as if that's -- and want to do  
19 that to me in this right now. Boys hands  
20 up her blouse and attempting to touch  
21 her, and then it says not wanted.

22 A. I must have been asking her  
23 questions; I don't know. I don't  
24 remember any of this detail.

1           Q.     You don't remember any  
2 discussion about [REDACTED] hand being up  
3 [REDACTED] shirt?

4           A.     I don't, I don't remember  
5 this -- what you are talking about here,  
6 in terms of why I was asking those  
7 questions.

8           Q.     Okay. Do you recall any  
9 discussion about it being not wanted?

10          A.     No. I don't recall  
11 discussion about that. Earlier, you had  
12 there that she said something about  
13 mutual friends, and it looks like I was  
14 pursuing questions, like, are you saying  
15 that, you know, it was, you know,  
16 whatever. I think that was likely, but I  
17 don't remember.

18          Q.     You said "it looked like  
19 that you were saying". Are you saying  
20 that --

21          A.     Yeah. Are you trying to  
22 tell me that it was -- you know what I  
23 mean, that kind of thing? But again, I'm  
24 just trying to piece together a guess;

1 I'm not sure.

2 Q. I don't want you to guess,  
3 but do you have an -- I know you're not  
4 going to get, like, the word-for-word  
5 recollection, but do you have a sense of  
6 what you were asking her?

7 A. I don't. I'm trying to look  
8 at that. I'm not really comfortable that  
9 I'm able to tell you with any level of  
10 certainty what it was that I was trying  
11 to get at here with the teacher.

12 Q. Okay. Let's go to the next  
13 page, which is 997.

14 And this is a letter  
15 authored -- or, signed by you, dated June  
16 10th, 2015. Do you see that?

17 A. I do.

18 Q. Have you seen this letter at  
19 all, does this look familiar to you?

20 A. No. But I see my  
21 signature, so I would have signed it.

22 Q. Okay. Is this a letter that  
23 you would have drafted too, if you're the  
24 one signing it?

1           A.     Not necessarily. That could  
2     have been something that we would have --  
3     at times, we would consult with the  
4     solicitor's office on, you know, how to  
5     respond to it or labor counsel, you know,  
6     that sort of thing. At times, they are  
7     drafted. So, I don't know that I wrote  
8     this from scratch, so.

9           Q.     Would you have signed the  
10    letter if it wasn't accurate or you  
11    didn't agree with what the letter said?

12          A.     I would not have signed it  
13    if it wasn't accurate or I didn't agree  
14    with it.

15          Q.     Okay. Then, let's go  
16    through this letter a little bit so that  
17    I can ask you some questions about it.

18                   It's dated June 10th, 2015,  
19    and the last meeting we were just looking  
20    at was I think from June 9th, 2015, just  
21    to put things into perspective and  
22    timeframe. And it says, this letter is  
23    a step three response to the  
24    above-referenced grievance filed by NPEA

1 on May 29th, 2015, alleging that the  
2 North Penn School District violated the  
3 collective bargaining agreement by  
4 issuing a two-day suspension of Ms.  
5 Andrew without cause. And that's what  
6 we've been talking about, your  
7 recollection that you had given Ms.  
8 Andrew a two-day suspension.

9 It looks like -- are you,  
10 are you reading the letter now?

11 A. I am, yeah.

12 Q. Do you want some time to be  
13 able -- I was going to go through it line  
14 by line, but do you want a minute to  
15 review the letter yourself, you can read  
16 through it before I ask you questions  
17 about it?

18 A. Whatever works easiest for  
19 you. I'm fine with however you want to  
20 do it.

21 Q. Well why don't I give you a  
22 minute, read through it, it's a short  
23 letter, and just let me know when you're  
24 finished --



1           A.     Okay.

2           Q.     -- and then we can continue.

3           A.     Sure.

4                    Okay. I read it.

5           Q.     Okay. Does this help  
6 independently refresh your memory at all,  
7 reading through this letter that was sent  
8 back in June 2015?

9           A.     I mean, yeah, it's helpful  
10 to read it, but there's nothing in here  
11 that I'm reading that I'm -- I've been  
12 consistently explaining that the way she  
13 handled the situation was wrong and, you  
14 know, saying -- conducting the interview  
15 in the way she did it, with two students  
16 in the hall at the same time, was not the  
17 way you do it and, you know, not telling  
18 her principal and the parents was not the  
19 way you do it. So, there's nothing in  
20 here that isn't, in my estimation,  
21 consistent with what I've been saying  
22 consistently to you.

23           Q.     I'm not saying it's not  
24 consistent.

1                   Do you -- I was just asking  
2   if it helped to refresh anything that you  
3   couldn't remember previously or didn't  
4   have a recollection of previously, but  
5   now, you, after reading it, say, "oh,  
6   actually, I do remember this or that".

7                   A.     No. I wouldn't say there's  
8   anything that meets that.

9                   Q.     Since -- you've been clear  
10  in this deposition that, in your opinion,  
11  Ms. Andrew did things wrong and explained  
12  the ways that she did so. Did you  
13  recommend any additional training for Ms.  
14  Andrew on the things that she did wrong  
15  so that she could understand what she  
16  needed to do correctly next time?

17                  A.     My recollection is that Ms.  
18  Andrew and Mr. Malachowski indicated that  
19  she understood what she did was not  
20  right. They disagreed with the magnitude  
21  of the consequence, if you will, but that  
22  they understand what she did was not the  
23  way to go about it.

24                  Q.     So you didn't recommend any

1 further training?

2 A. I did not.

3 Q. It says, after meeting with  
4 you and Ms. Andrew and carefully  
5 considering the facts of this case, I  
6 conclude that a two-day suspension is  
7 appropriate. And it says, I am very  
8 concerned that Ms. Andrew did not report  
9 to her building principal, the student's  
10 behavior she observed. And that's what  
11 you told us multiple times. And then it  
12 says in the letter, the behavior of a  
13 male student reaching his hand underneath  
14 a female student's shirt in the area of  
15 her chest during the course of a sixth  
16 grade class lesson should be very  
17 significant cause for concern by the  
18 teacher and should have been handled in a  
19 much different manner than the manner in  
20 which Ms. Andrew handled it. So I want  
21 to stop there and ask you some questions  
22 about this.

23 I know -- today, you're  
24 saying you don't have a recollection of

1     what you knew back then, is that true,  
2     independently?

3                     MS. JORDAN:   I object to the  
4     form of the question.

5                     THE WITNESS:   I don't agree  
6     with that.

7                     MS. LAUGHLIN:   Sorry.   Let  
8     me refresh.

9     BY MS. LAUGHLIN:

10             Q.     I think you were telling us  
11     earlier, you didn't remember the specific  
12     actions that had happened in October 2014  
13     with [REDACTED] and [REDACTED] you couldn't tell  
14     me the details of what had happened; is  
15     that true?

16                     MS. JORDAN:   Note my  
17     objection to the form of the question.  
18                     You can answer.

19                     THE WITNESS:   I don't  
20     understand what you're trying to say.  
21     I explained to you what I was told.  
22     So, what are you asking me?

23     BY MS. LAUGHLIN:

24             Q.     Would you agree with me

1 that, based on this letter, that you were  
2 aware, in June of 2015, that the behavior  
3 between [REDACTED] and [REDACTED] in that sixth  
4 grade class was that [REDACTED] reached his  
5 hand underneath her shirt in the area of  
6 her chest during the sixth grade class  
7 lesson?

8 A. In terms of that level of  
9 the detail, is that what you're asking  
10 me?

11 Q. Yes. Are you aware of that,  
12 what I just stated from this letter?

13 A. Yeah. And prior to this  
14 letter, I didn't remember if it was under  
15 her shirt near in the area of her chest  
16 or if it was some other, you know, place  
17 on her body or what it would have been, I  
18 didn't remember that. So, so this letter  
19 is helpful to give that detail, that is  
20 accurate.

21 Q. So, would you agree with me  
22 that at the time, in June of 2015, you  
23 were aware that [REDACTED] had put his hand  
24 up [REDACTED] shirt in the area of her

1 chest?

2 MS. JORDAN: Note my  
3 objection to the form of the question.  
4 You can answer.

5 THE WITNESS: So, the  
6 same -- the behavior of a male student  
7 reaching his hand underneath a female  
8 student's shirt in the area of her  
9 chest during the course of a sixth  
10 grade class lesson should be very  
11 significant cause for concern by the  
12 teacher and should have been handled  
13 in a much different manner than the  
14 manner in which Ms. Andrew handled it,  
15 I think speaks for itself, that that  
16 was concerning. She didn't handle it  
17 the way she should have handled it.

18 BY MS. LAUGHLIN:

19 Q. I understand that. And my  
20 question is, would you agree with me,  
21 that as of June 10th, 2015, you were  
22 aware of the action between [REDACTED]  
23 putting his hand up [REDACTED] shirt in the  
24 area of her chest, were you aware of that

1 at this time that you wrote the letter,  
2 based on what the letter says?

3 A. I did not see it for myself.  
4 The assertion, I think, that we are  
5 making as a district is that she didn't  
6 handle that situation the way she should  
7 have handled situation. So, I --  
8 apparently she reported that it was by  
9 putting his hand under this student's  
10 shirt in the area of her chest. I don't  
11 recall, if you can go back to Cheryl  
12 McCue's notes, if that came out during  
13 that interview. I don't recall that  
14 level of detail to know, you know,  
15 exactly what it was. I recall that it  
16 was something of a sexual nature and  
17 that, you know, it was described to me  
18 that they were handsy with each other and  
19 that the teacher believed it was a  
20 consensual thing, they were doing things  
21 to each other, that the lights had been  
22 turned down during some lesson or  
23 something that was going on in the  
24 classroom. That's what my recollection

1 is.

2 Q. And I understand all of  
3 that.

4 My question is very, like,  
5 narrow and specific, though, that, based  
6 on this letter, would you agree with me  
7 that, at the time, you were aware of --  
8 that [REDACTED] had put his hand underneath  
9 [REDACTED] shirt? I know you didn't see  
10 it, but were you aware of that fact,  
11 based on what's in this letter?

12 MS. JORDAN: Objection to  
13 the form of the question. He has  
14 answered this several times. I don't  
15 know why you keep on asking the same  
16 question. And I'm --

17 MS. LAUGHLIN: Because I  
18 never got an answer.

19 MS. JORDAN: -- gonna --

20 MS. LAUGHLIN: Because I  
21 never got an answer.

22 MS. JORDAN: You got an  
23 answer.

24 MS. LAUGHLIN: Were --



1 MS. JORDAN: He told you he  
2 wasn't there; he doesn't know if it's  
3 a fact; he knows it's an allegation.  
4 You want him to admit it's a fact.  
5 That's inappropriate.

6 MS. LAUGHLIN: Okay. Well  
7 thank you for the clarification.

8 MS. JORDAN: Let's move on.

9 MS. LAUGHLIN: Because I  
10 understand your objection now. Thank  
11 you for clarifying that. Let me ask a  
12 different question, then, to hopefully  
13 get around what the objection is. I  
14 appreciate you for clarifying that,  
15 now that I understand.

16 BY MS. LAUGHLIN:

17 Q. Were you aware of the  
18 allegation that [REDACTED] had put his hand  
19 up [REDACTED] shirt in the course of his  
20 sixth grade class at this time, based on  
21 this letter?

22 A. I don't recall what level of  
23 detail was shared with me. I wrote this  
24 letter, and apparently it must have been

1 discussed at some point in time, that  
2 there was some, you know, reaching of a  
3 hand underneath the shirt in the area of  
4 the chest, or I wouldn't have put that in  
5 there. But I wasn't there to see it for  
6 myself, and I don't know -- the student,  
7 as I recall, didn't go through anything  
8 where -- you know, a Mission Kids or  
9 anybody -- place like that could, you  
10 know, work through the process and report  
11 back to us. My recollection is that the  
12 mom didn't want to do that. So I didn't  
13 have -- you know, I don't have any of  
14 that detail.

15 But, you know, I think what  
16 you see here speaks for itself, and I  
17 explained to her in this letter that  
18 there's behavior of, of a student  
19 reaching underneath there like that, that  
20 should have been handled in a different  
21 manner. It should have been, you know,  
22 dealt with in a different manner. The  
23 way that I would, you know, hope it could  
24 be dealt with would be through the

1 process, which is the Mission Kids'  
2 interviews, talks about what actually  
3 happened. The student can recount to  
4 Mission Kids what happened, and they  
5 report back to us.

6 Q. When you --

7 A. The way it was handled was  
8 not the way it should have been.

9 Q. I understand.

10 When you said that, that  
11 this conduct, the male student reaching  
12 his hand underneath a female student's  
13 shirt in the area of her chest during the  
14 sixth grade lesson should be a very  
15 significant cause for concern by the  
16 teacher, what do you mean by that?

17 A. It needs to be reported to a  
18 principal, and then the process that we  
19 have in place has to occur. It should  
20 not have been handled by the teacher  
21 unilaterally -- well I guess there was --  
22 she asserts that she had some  
23 conversation with Ruth, her grade level  
24 partner, but should have been made at

1     that level.  It should have been brought  
2     to the principal and then processed  
3     through, you know, Mission Kids and  
4     everything like that, and she didn't do  
5     that.

6             Q.     And that's the next line  
7     that you say; it should have been handled  
8     in a much different manner.

9                     But when you're writing, it  
10    should be a very significant cause for  
11    concern by the teacher, why should it be  
12    a very significant cause for concern by  
13    the teacher?

14            A.     Because they need to tell  
15    the principal when something that is of a  
16    sexual nature is happening in the class  
17    room and not have them independently make  
18    that decision, to take students in the  
19    hall and talk to them together.  You  
20    don't -- it's not the way it should be  
21    done; she was wrong.

22            Q.     Okay.  And I understand --  
23    you would not have put the information  
24    about the behavior of a male student

1 reaching his hand under another female  
2 student's shirt in the letter if you  
3 didn't believe that that allegation --  
4 that -- would you have put that in this  
5 letter if you didn't believe it was true?

6 A. I wasn't there to see this  
7 for myself. I have a report from a  
8 teacher saying that what she observed,  
9 she believed was consensual. I don't --  
10 I was more of the understanding, and I  
11 would have -- if you would have said,  
12 Curt, please, you know -- well you don't  
13 want me to guess -- but can you give a,  
14 you know, thought as far as what you -- I  
15 thought it was more of, you know, hands  
16 under the table-kind of thing, you know,  
17 touching the buttocks, whatever it could  
18 have -- something other than that. But  
19 nevertheless, it was something that  
20 happened there, and she didn't allow the  
21 process to, you know, occur, unwind to  
22 get at the heart of it so Mission Kids  
23 could have told exactly what happened.

24 Q. I understand, as the

1 superintendent, you're not in the  
2 classroom, so those times you're not the  
3 one seeing what happened.

4 But here, this was reported  
5 to you, correct, the behavior of a male  
6 student, that was the report that you  
7 received?

8 A. Yeah.

9 Q. Okay. It says, furthermore,  
10 I am very concerned about Ms. Andrew's  
11 explanation of how and why she arrived at  
12 her conclusion that the behavior was  
13 consensual.

14 Do you recall any part of  
15 that discussion and why you were very  
16 concerned about how she concluded it was  
17 consensual?

18 A. She took them out together  
19 in the hallway. She asked them together  
20 at the same time. That is not the way  
21 you do the investigation. I was  
22 concerned about that. I was concerned  
23 about it then, I'd be concerned about it  
24 again today.

1           Q.     I understand that. But I'm  
2 asking specifically about the conclusion  
3 that the behavior was consensual.

4           A.     That's the way she arrived  
5 at that when she saw with her eyes what  
6 she saw, and then she brought them into  
7 the hallway and had a discussion in the  
8 hallway together. I don't know, you'd  
9 have to ask her those kinds of questions  
10 as far as, you know, the specifics. But  
11 you don't do it by taking them in the  
12 hallway together.

13          Q.     I'm just -- I know, because  
14 I have asked Ms. Andrew these questions.  
15 And so now you're here, and I get to ask  
16 you about your thoughts and what you mean  
17 when you put in a letter that you signed  
18 about that you are very concerned about  
19 the conclusion that the behavior was  
20 consensual, and I'm asking you --

21          A.     Her explanation of how and  
22 why she arrived to that conclusion that  
23 it was consensual was based on the fact  
24 that she took them in the hall together,

1 interviewed them together, and that's not  
2 the way it should have been done. It  
3 should have been reported to the  
4 principal and that it should have been  
5 turned over to Mission Kids, and Mission  
6 Kids would have been able to attempt to  
7 do an interview of the, of the student,  
8 which I think they did attempt to do, you  
9 know, later, I think in spring of 2015 at  
10 some point in time when the -- my  
11 recollection -- again, I don't have it,  
12 you know, for certain, but that's my  
13 recollection, that the family had  
14 declined to do -- cooperate with Mission  
15 Kids and have, you know, the student  
16 interviewed by Mission Kids.

17 Q. I understand all that. You  
18 told me that and about the way that she  
19 handled it. But I'm specifically trying  
20 to ask you about what concerned you about  
21 how and why she arrived at the conclusion  
22 that the behavior between the two  
23 students was consensual?

24 A. I'll answer --



1 MS. JORDAN: Objection. He  
2 has asked -- he has answered that --

3 THE WITNESS: I've answered  
4 a million times.

5 MS. JORDAN: -- several  
6 times, and he's telling you that the  
7 procedure she used to reach her  
8 conclusion was faulty, and that's what  
9 he's addressing in this letter, I  
10 believe.

11 THE WITNESS: Exactly. I  
12 don't know what else to tell you. She  
13 went about it the wrong way. You  
14 don't do it that way, and she had to  
15 be disciplined for that.

16 BY MS. LAUGHLIN:

17 Q. So you're saying -- just so  
18 I understand, you're saying that the way  
19 that she concluded that it was consensual  
20 was because she brought them both out  
21 together, and that was the concern that  
22 you had about that?

23 A. Whatever reasons she used.  
24 You'd have to ask her for that. My

1 understanding of this whole thing was she  
2 observed what she observed, she, you  
3 know, brought them out there together,  
4 she -- at that point in time, the benefit  
5 of, whatever, two months, three months, I  
6 don't know exactly when it happened, of  
7 time observing, you know, them together,  
8 and she arrived at a conclusion that it  
9 was consensual, and that's not the way  
10 you go about it.

11 Q. The last sentence in this  
12 letter in this last paragraph says, as we  
13 know, when student behavior, such as the  
14 behavior in this case, is not  
15 appropriately addressed, the behavior is  
16 very likely to be repeated with victims  
17 continuing to suffer.

18 Do you see that?

19 A. Yes, I do.

20 Q. What did you mean by that?

21 A. You need to be able to  
22 report behavior so that it can be dealt  
23 with, it can be verified, it can be, you  
24 know, understood what actually happened,

1 and then it can be addressed thereafter.  
2 So, she took it upon herself to decide  
3 that she would conduct an investigation  
4 the way she conducted it and that she  
5 would -- she was not to report it, and  
6 that was wrong, you don't do it that way.

7 Q. And that was not a -- would  
8 you agree with me, that was not  
9 appropriately addressed, then, the  
10 behavior?

11 A. In terms of the -- that  
12 student's behavior?

13 Q. Yes.

14 A. We want to -- the way it  
15 should have happened was she should have  
16 told the principal, the principal should  
17 have contacted the law enforcement, if  
18 they felt that law enforcement would be  
19 helpful, particularly then in the spring  
20 when the family didn't want to take the  
21 child to Mission Kids. I would have much  
22 preferred to have Mission Kids do their  
23 investigation and report back to me, come  
24 to a conclusion as to what was happening

1     there and that we could take action  
2     thereafter, and that didn't happen here.

3             Q.     Would you agree with me that  
4     the behavior of [REDACTED] at this juncture  
5     was not appropriately addressed?

6             MS. JORDAN:   Note my  
7     objection to the form of the question.  
8             You can answer.

9             THE WITNESS:   I would not  
10    agree with that statement in the sense  
11    that we couldn't get everybody who was  
12    involved to do what they should have  
13    done.   The teacher should have  
14    reported it, the child should have  
15    gone to Mission Kids; it didn't  
16    happen.   And then when it comes out  
17    here, we have to, you know, deal with  
18    it, and she should have not handled it  
19    the way she handled it.

20    BY MS. LAUGHLIN:

21             Q.     Do you think that the  
22    behavior of [REDACTED] was appropriately  
23    addressed at this point, then?

24             A.     I'll never know the answer,

1 as they never went to Mission Kids to get  
2 all of that detail ascertained by that  
3 independent third party. So I think,  
4 given what we knew at that time, that the  
5 behavior was appropriately addressed. I  
6 will not say it was not appropriately  
7 addressed when we knew what we knew at  
8 that junction. I'm trying to explain to  
9 this teacher, and putting it in writing  
10 here, that you need to be able to come  
11 forward, let the process happen the way  
12 the process is supposed to happen. You  
13 can't just circumvent that or decide it  
14 on your own or whatever you want to  
15 describe it. You know, you can't  
16 unilaterally just make a decision like  
17 that. You need to let it all follow its  
18 course and tell the principal, and let  
19 the principal then intervene with law  
20 enforcement and Mission Kids.

21 Q. When it says "the behavior  
22 is very likely to be repeated", what  
23 behavior are you talking about?

24 A. If a student is, you know,

1 touching somebody or doing something in a  
2 way that's not, you know, appropriate,  
3 that's what I'm talking about.

4 Q. Okay. And it says that hat  
5 behavior is very likely to be repeated  
6 with victims continuing to suffer.

7 What did you mean by "with  
8 victims continuing to suffer"?

9 A. We were, I believe, talking  
10 about some of the current events at the  
11 time. I think there was a lot of  
12 discussion about -- the Sandusky matter  
13 was in the news, and I think there was  
14 also, you know, matters in the news with  
15 the catholic church and that sort of  
16 thing, and we were trying to explain that  
17 the individual needs to tell us to be  
18 able to pursue it, and as I said earlier,  
19 and we need the cooperation of the  
20 individuals also, then, to follow through  
21 on it, and if they don't follow through  
22 on that, then I need to try to understand  
23 why. But apparently they chose not to.

24 Q. When you say "the

1 cooperation", you mean, like, like,  
2 [REDACTED] and her family?

3 A. Yes.

4 Q. Are you --

5 A. Go to Mission Kids and be  
6 interviewed. So, my recollection is that  
7 they declined that.

8 Q. Are you saying that part of  
9 the reason why it wasn't fully  
10 appropriately addressed was because  
11 [REDACTED] and her family didn't go to  
12 Mission Kids?

13 A. I don't know. I don't know  
14 what could have happened differently. I  
15 don't know. They didn't go. They should  
16 have gone. They chose not to. I don't  
17 know why, but they didn't.

18 Q. You're saying -- so are you  
19 saying [REDACTED] and her family is part to  
20 blame for that, then, because they didn't  
21 go to Mission Kids?

22 A. I wish they would have gone  
23 to Mission Kids. That's helpful. They  
24 had reasons. I don't know all the

1 reasons. I'm not assigning blame. I'm  
2 saying they chose not to. So whatever  
3 those reasons are. I don't know why they  
4 didn't go. I'm not assigning blame. So  
5 I don't appreciate trying to be, you  
6 know, asserted that I'm trying to assign  
7 blame. I'm not trying to assign blame.  
8 I'm saying it didn't happen.

9 Q. I'm just asking. I don't  
10 know, you know --

11 A. Okay.

12 Q. -- that you did or you  
13 didn't.

14 One of the things that you  
15 had said was that you would try and find  
16 out why somebody wouldn't go to Mission  
17 Kids, is that right, one of those things  
18 you just told me?

19 A. I don't know why she didn't  
20 go to Mission Kids; I don't know.

21 Q. Well that was going to be my  
22 next question. Did you ask them at all  
23 why?

24 A. I don't recall.



1           Q.     Just to make sure I  
2 understood your testimony, this sentence,  
3 as we know, when a student behavior, such  
4 as the behavior in the case, is not  
5 appropriately addressed, that last  
6 sentence of this letter, you said that  
7 this was around the time of Sandusky and  
8 the catholic church, and so you were  
9 thinking of that when you were writing  
10 this last sentence as well?

11           A.     I was.

12           Q.     All right.

13                   MS. LAUGHLIN:   Why don't we  
14 take a quick five-minute comfort break  
15 and come right back.

16                               -   -   -

17                               (A recess occurred from 1:22  
18 p.m. to 1:44 p.m.)

19                               -   -   -

20 BY MS. LAUGHLIN:

21           Q.     I'm just gonna share my  
22 screen with you, Mr. Dietrich, again.  
23 I'm showing you North Penn's production  
24 Pages 1001 and it goes on to 1002, and

1 it's the agreement regarding Holly Andrew  
2 Garrett, the sixth grade teacher we were  
3 just speaking about before our break.

4 Do you recall -- you had  
5 mentioned, like, a settlement and stuff  
6 like that regarding the grievance, and is  
7 that what this is referring to?

8 A. I'd have to look at it, but  
9 I recall that they grieved it and then  
10 there was some attempt to settle it,  
11 because of a -- you know, the  
12 disagreement.

13 Q. Okay. And I can kind of  
14 direct you -- so you don't have to read,  
15 like, the whole document, I can direct  
16 you to the bottom of Page 1001, where  
17 it's summarizing the agreement between  
18 the district and Ms. Garrett. Do you see  
19 that here?

20 A. Yes. Yeah, I got it.

21 Q. It says, Andrew Garrett's  
22 two-day suspension is reduced to a  
23 one-day unpaid suspension. And just to  
24 give you context, I'm asking about this

1 document because you're the one that  
2 signed on behalf of the North Penn School  
3 District.

4 A. Yes.

5 Q. Do you recall Ms. Garrett's  
6 suspension being reduced from two days to  
7 one day?

8 A. Yeah. I was thinking that  
9 we agreed to a settlement on this, and I  
10 think I referenced that earlier in this  
11 deposition. I didn't remember if it was  
12 three to two or two to one, but I  
13 remember that whole, you know, analysis  
14 in terms of attorney's fees and time  
15 spent litigating, you know, through a  
16 grievance process and that the analysis  
17 was that we would agree, then, to cut the  
18 suspension from two days to one day, as a  
19 part of that settlement.

20 Q. Are you saying, was that  
21 based on, like, looking at the analysis  
22 of what it was going to cost to move  
23 forward to --

24 A. Yes.

1           Q.     -- continue with the two-day  
2 suspension?

3           A.     That's accurate.

4           Q.     And it was going to be too  
5 costly, I guess, is what you're telling  
6 me to fight it, and it was better to --  
7 easier or whatever to just do the one-day  
8 suspension?

9           A.     We did that analysis in  
10 terms of the cost and determined that it  
11 would be appropriate to agree to this  
12 settlement.

13          Q.     Would you agree with me,  
14 from our prior discussion, that the  
15 discipline that Ms. Garrett you believed  
16 should receive was a two-day suspension,  
17 not a one-day suspension?

18          A.     Yes.

19          Q.     And then, at No. 3, it says,  
20 the district agrees to remove the PIP  
21 that was issued to Ms. Andrew -- or, to  
22 Andrew Garrett in February of 2016 from  
23 her personnel file.

24                   Do you remember the

1 performance improvement plan that was  
2 discussed for her?

3 A. I don't remember the details  
4 of that. But I recall that she was not  
5 the strongest of employees and that there  
6 were concerns -- I believe there were  
7 concerns in addition to, you know, this  
8 matter that, you know, we've been talking  
9 about here that resulted in her being on  
10 a performance improvement plan.

11 Q. There was some notations in  
12 the records that were produced by the  
13 district that referenced a shredding of  
14 an IEP document. Does that sound  
15 familiar to you?

16 A. Not really.

17 Q. Okay. Performance  
18 improvement plans, are they typically  
19 something that goes in the employee file?

20 A. Yes.

21 Q. What's the purpose of that  
22 PIP going in the employee file?

23 A. Because we try to have those  
24 employee files be complete, and it would

1 be something that would be impacting upon  
2 her employment.

3 Q. And so the removal of the  
4 PIP from her file, what ramifications did  
5 that have?

6 A. That it wouldn't be, you  
7 know, in the file any longer. I don't  
8 remember. Sometimes there are concerns,  
9 procedural concerns, you know, that sort  
10 of thing, assertions, and I see there, in  
11 No. 4, they will not file or commence an  
12 unfair labor practice. So, sometimes  
13 there are other issues, you know, that --  
14 typically procedural kind of due process  
15 issues. I don't know if that was the  
16 case with this one, though.

17 Q. The fact that the  
18 performance improvement plan was going to  
19 be removed from Ms. Garrett's -- or,  
20 Andrew's personnel file, that would mean  
21 that nobody -- like, there's not going to  
22 be a record anymore that she was given a  
23 performance improvement plan in her file?

24 A. You'd have to ask the HR

1 director the answer that. I'm not  
2 positive about that.

3 Q. Okay. Is there anything  
4 about the, the settlement or the  
5 agreement that you signed here and that  
6 we haven't talked about that you do have  
7 a memory of?

8 A. No.

9 Q. Okay. I know we talked a  
10 little bit about [REDACTED] request to go  
11 to a different middle school to avoid  
12 being in the same school as [REDACTED]  
13 right?

14 A. I think that was the reason,  
15 but again, I'm not positive that that was  
16 the only reason. But I am pretty  
17 confident that that was definitely a  
18 factor.

19 Q. Okay. Do you remember any  
20 other factors, as we sit here today, that  
21 may have influenced the decision for  
22 [REDACTED] to move -- or, request that her  
23 middle school be moved?

24 A. I don't have any specific

1 recollection about this individual and  
2 desire to go to that particular middle  
3 school. So I don't know. I have dealt  
4 with other, you know, situations over the  
5 years where it's been appealed to me for  
6 somebody to change middle schools and for  
7 people to go to that particular middle  
8 school, but I don't remember, in this  
9 case, any other -- I don't know.

10 Q. Okay. When there is --  
11 like, there's two district students and  
12 one requests to transfer schools to avoid  
13 the other student, if the students  
14 continue on, like, after middle school is  
15 going to be the high school, is there any  
16 policy or procedure in place to kind of  
17 track that that request was made so that  
18 it can be followed throughout the  
19 student's educational course?

20 A. If they change middle  
21 schools?

22 Q. Yeah. Like, for fear.  
23 Like, [REDACTED] was -- one of the reasons  
24 she was trying to transfer the middle



1 school was to be in a different middle  
2 school from [REDACTED]

3 A. I think that was the case.  
4 I'm not, again, certain on that. But, I  
5 mean, the transcript would show a  
6 different middle school on it, you know,  
7 than the one that she would normally have  
8 been in that attendance area for.

9 Q. But, for example, I mean,  
10 once students go through middle school,  
11 they eventually, hopefully, go to high  
12 school --

13 A. Right.

14 Q. -- where the middle schools  
15 are filtering back into the same high  
16 school --

17 A. Right.

18 Q. -- is that how it works at  
19 North Penn?

20 A. It does, yes.

21 Q. And so, I'm asking, is there  
22 any process in place to track something  
23 like that so that if a student was  
24 specifically trying to avoid another

1 student that now will be filtered into  
2 the same school, that that wouldn't  
3 happen, any process in place from the  
4 district?

5 A. I don't think there's  
6 anything written in place, but there  
7 would be conversations that would happen  
8 between the director of elementary and  
9 the middle school folks or the director  
10 of secondary or the director of secondary  
11 onward to -- because they're the ones  
12 that process those requests.

13 I remember -- you're jumping  
14 ahead a little bit now to when she went  
15 to high school, but I remember a  
16 conversation that I had that they were  
17 not to be in the same class and they knew  
18 that, like the -- oh, what is her name --  
19 she was special ed supervisor at the  
20 time.

21 Q. Kate Small?

22 A. Kate Small.

23 Kate Small was aware that  
24 they weren't supposed to be in the same

1 classroom together. So, I remember,  
2 just, you know, conversation with Kate  
3 about, "are you aware of this", "yes, I'm  
4 aware of that", that she was ascertaining  
5 that they weren't in the same classes and  
6 anything.

7 Q. But I -- so before we go to,  
8 like, the specifics, I'm asking,  
9 generally, there's not a written policy,  
10 but there's a practice -- it sounded like  
11 you were saying that, like, supervisor --  
12 or, district -- sorry -- the elementary  
13 school supervisor of education or the  
14 secondary level might have conversations  
15 about that when a student requests to be  
16 separated from another student?

17 A. Yeah. If it would be  
18 something like that. We get, oh, I don't  
19 know, probably 75 to maybe 80 or 90,  
20 sometimes 100 requests to change schools  
21 at the elementary, and then the middle  
22 schools, I don't think it's uncommon to  
23 have 25 or 30 requests to change middle  
24 schools. We call them TOAs, transfers of

1 attendance. So, they can be for child  
2 care reasons. That's the most common  
3 one. But we don't have, like, a written  
4 'this student was a TOA'. If there's a  
5 concern about students being together,  
6 you know, there would be communication  
7 happening, but I can't point to a form or  
8 anything like that.

9 Q. When you say there would be  
10 communication happening in that  
11 circumstance, is there a pattern or  
12 practice for what the district implements  
13 other than a written policy for those  
14 scenarios?

15 A. A pattern? I don't know --  
16 pattern --

17 Q. Like, a practice that the  
18 district normally does.

19 A. What I can describe to you  
20 would be that the folks would be involved  
21 in talk, you know, so if there's  
22 something that's involving that. You  
23 know, now we have something built that  
24 they can put a notation in the actual

1    like, electronic record.  So, like, 'no  
2    schedule change until the principal is  
3    contacted', you know, that kind of thing.  
4    But at that point in time, we didn't have  
5    any electronic way.  We had -- Kate  
6    Small, in this case, is the one that  
7    checked to see that they weren't in the  
8    same class and -- together, anyway.

9           Q.     When you say that these  
10   conversations would happen, is it --  
11   like, who would, I guess, like, initiate  
12   the conversation, or would it just be a  
13   matter of course, that once a student  
14   asked to transfer to avoid another  
15   student, that the supervisor would know  
16   that these conversations had to -- have  
17   to take place?

18          A.     It would be the director of  
19   elementary who processes the elementary  
20   cases and the director of secondary who  
21   does the secondary cases and then the  
22   special ed supervisor are the other  
23   individuals.  Those would be the people.

24          Q.     So for [REDACTED] for example,

1 who was requesting to transfer from  
2 elementary to middle school -- for a  
3 different middle school, would that be  
4 the elementary school director of  
5 education, then?

6 A. Requesting a different  
7 middle school?

8 Q. Yeah. [REDACTED] requested a  
9 different middle school. So would that  
10 have been the person --

11 A. The director of secondary  
12 would have been the one who processed  
13 them. Now, at that time, that was Deb  
14 McCay, but Deb McCay is retired now.

15 Q. Okay. And Deb McCay, as the  
16 director of secondary education, would  
17 have had a conversation with, who, in the  
18 scenario that you're describing?

19 A. So the parent that made the  
20 request, and then Deb would have reviewed  
21 the requests for TOAs and then handle it.

22 Q. So that's when a request is  
23 actually made. I'm asking, you know,  
24 once the time at the middle school is

1 over and now that student is going to go  
2 to, whether it's a high school or another  
3 school, is, is there any conversation  
4 that takes place then to ensure that the  
5 students are still separated?

6 A. I mean, there would be  
7 specific about individual cases. So if  
8 there continued to be concern --  
9 sometimes there's issues where some kids  
10 don't get along with each other, they're  
11 bullying each other, whatever, when  
12 they're in elementary school and the  
13 parents, you know, are asking for a  
14 transfer of attendance, either party,  
15 we've had situations like that, where  
16 people are like, you know what, I think  
17 my student would just be better served in  
18 a different school because of, like, a  
19 situation or something. But then things  
20 move on, parents are like, no, that's,  
21 that's no longer a concern.

22 Q. Are the parents the one that  
23 have to contact the district and say,  
24 like, "hey, this is no longer a concern",

1 or is it the director of secondary  
2 education that's reaching out, saying,  
3 "hey, these two students are going to be  
4 merging in the same school again, what do  
5 you want us to do"?

6 A. In terms of, like, what  
7 would happen if -- are you talking about,  
8 like, if a parent didn't ask, like, under  
9 that scenario?

10 Q. I'm trying to understand the  
11 process. And so those were, like, the  
12 two choices, like, is it this, or is it  
13 that, or is it some other way, how does  
14 that come about?

15 A. So -- and again, I don't  
16 deal with this, but I think that they  
17 would, you know, have a conversation with  
18 the parent if there was, you know,  
19 something that they continue to have  
20 concerns about or say, "no, we're not  
21 really concerned anymore". But I don't  
22 deal with them.

23 Q. Right. So, from your -- I  
24 know it's not you personally who is



1 dealing with it but somebody like the  
2 director of secondary education.

3 Is it your understanding,  
4 like, up to them to recognize that these  
5 two students are going to be coming back  
6 together and is there still an issue that  
7 needs to be addressed, or is it they're,  
8 they're the ones to be doing that?

9 A. They would be the ones that  
10 would be knowledgeable about that. So, I  
11 would say, you know, most likely, but  
12 there could be a parent that, you know,  
13 raises a concern or something like that.

14 Q. Is there any process in  
15 place to notify the director of secondary  
16 education, like at the end of the school  
17 year when students are going to be going  
18 onto the next school, of the, the issues  
19 that have arisen in the past, like what  
20 we're talking about, where a student  
21 requests to be separated from another  
22 student and now coming to school where  
23 they won't be anymore?

24 A. It would be on an individual

1 case or an individual basis, depending on  
2 the magnitude of the concern. So,  
3 there's no form or process that, today  
4 we're gonna talk about students and which  
5 school they're headed to next and --  
6 pattern versus -- to my knowledge, I  
7 don't think they do that. Again, I'm not  
8 involved with that. So I don't, I don't  
9 have a great level of intimate knowledge  
10 about how they do that.

11 Q. Okay. Are you involved at  
12 all in -- when students are going to the  
13 tech school part-time, like in ninth  
14 grade, the ability for students -- middle  
15 school students to take some courses at  
16 the tech school, are you involved in that  
17 at all?

18 A. I am not, unless, again,  
19 something got appealed to me where  
20 somebody wasn't happy about a decision or  
21 whatever it might be. But no, I'm not.

22 Q. Do you know who is the  
23 person who's responsible for -- like,  
24 it's my understanding, tech school, you

1 have to actually apply to be accepted  
2 into that. Do you know who in the  
3 district manages --

4 A. The guidance counselors and  
5 the principals handle that from each of  
6 the buildings. So, we do have ninth  
7 grade students who attend a half -- well,  
8 not even a half a day. It's from -- I  
9 think it's approximately 10:00 'til  
10 11:45, we have that program for ninth  
11 graders. And then there's also the PYAP  
12 program, which is the Pennsylvania Youth  
13 Apprenticeship Program, and I believe  
14 [REDACTED] was in the PYAP program, which is  
15 a full-time vo-tech program. So that's  
16 what I -- that's what my memory was, that  
17 [REDACTED] was --

18 Q. At the elementary school --  
19 I want to jump back to the situation  
20 between [REDACTED] and [REDACTED] at the  
21 elementary school level.

22 From the prior testimony in  
23 this case of the principal, and I think  
24 the teacher as well, there was a plan put

1 in place where [REDACTED] was separated from  
2 [REDACTED] and the other girl who had  
3 reported in the spring of 2015. Were you  
4 aware of that?

5 A. No, I was not. That was at  
6 the building level.

7 Q. Okay. Do you know  
8 whether, if there is a plan like that  
9 implemented -- is it a safety plan, is  
10 that the right word --

11 A. We often use --

12 Q. -- for something like that?

13 A. We often use that term.

14 Q. Okay. So if there's -- I  
15 just want to make sure I'm using the  
16 right terminology -- so if there's a  
17 safety plan in place, like [REDACTED] being  
18 separated from these two girls, is there  
19 any way that that safety plan gets  
20 communicated to the next level of  
21 schooling once they leave the elementary  
22 school?

23 A. So, the director of  
24 elementary or the director of secondary

1 would be the two individuals that would  
2 be best able to answer that. They would  
3 communicate that in some way.

4 Q. Okay. So you're not sure,  
5 like, what that process looks like?

6 A. I'm not sure.

7 Q. Okay. Would you agree with  
8 me, then, that you as the superintendent  
9 didn't give them any instruction on how  
10 to navigate that; is that correct?

11 A. I'd say quite likely. I'd  
12 have to have my memory jogged on that  
13 one, if there is anything, but I don't  
14 recall anything.

15 Q. That's not your experience  
16 from what you recall doing?

17 A. I don't recall doing that.

18 Q. Okay. At some point you  
19 became aware that [REDACTED] you said, was  
20 taking classes in ninth grade at the tech  
21 school; is that right?

22 A. Yes.

23 Q. And did you also become  
24 aware at some point that [REDACTED] was also

1 taking classes in ninth grade at the tech  
2 school?

3 A. I believe the mom called me  
4 and was concerned that they didn't want  
5 to have [REDACTED] continue in that program  
6 because they didn't think she was -- I  
7 don't know -- working with them to follow  
8 the safety plan, that she was leaving  
9 class and frequently found in areas of  
10 the building that she didn't belong in,  
11 that sort of thing. That's what my  
12 recollection is. They didn't think she  
13 was -- it was working well, for her to be  
14 at the school, because she just wasn't  
15 cooperative with school authorities  
16 regarding sticking to the safety plan  
17 that was developed. I don't think she  
18 was really bought into that plan. The  
19 mom had agreed to it. The mom was  
20 instrumental with helping to develop it,  
21 is my understanding, but I don't think  
22 [REDACTED] really wanted to have that plan.

23 Q. How is that your  
24 understanding?

1           A.       From communication from  
2 North Montco Technical Career Center.

3           Q.       With Dawn LeBlanc?

4           A.       Gina Partavich (pht) was the  
5 assistant director. I think she was  
6 finishing assistant director when she got  
7 promoted to director. So I'm almost  
8 positive that she was assistant director  
9 of the vo-tech school during that time  
10 period.

11          Q.       I think --

12          A.       Dawn LeBlanc was the  
13 principal.

14          Q.       When you're describing  
15 safety plan, when [REDACTED] first started at  
16 North Montco, there was no safety plan in  
17 place.

18          A.       I don't know that for  
19 certain.

20          Q.       Okay. Do you recall having  
21 a conversation -- do you remember Mrs.  
22 [REDACTED] when you talked to her, do  
23 you remember, like, when in the school  
24 year that was --

1           A.     I don't.

2           Q.     -- do you recall?

3           A.     No, I don't.

4           Q.     You said that Ms. -- who was  
5 the one that you found out from that  
6 [REDACTED] and [REDACTED] were at the tech school  
7 together, was that Mrs. [REDACTED] you  
8 found that out from?

9           A.     I'm pretty sure that Mrs.  
10 [REDACTED] called me and -- I'm trying  
11 to -- she was at one -- I'm pretty sure  
12 she was saying, at one point, that she  
13 didn't think that they should both be  
14 permitted to go to the vo-tech school,  
15 that she wanted us to bar the other  
16 student, [REDACTED] from going to the  
17 vo-tech school and -- but that, you know,  
18 wasn't going to happen, then, in that he  
19 went.

20          Q.     Can you say that last part  
21 again.

22          A.     He went. He, you know, went  
23 to the vo-tech school. But I'd have to  
24 have my memory jogged more. But that's



1 what I vaguely recommend -- recall, was  
2 that Mrs. [REDACTED] had said to me she  
3 didn't think that they both should be  
4 permitted to go to the vo-tech school,  
5 and we had a conversation about that, and  
6 the bottom line was that, then, he  
7 continued to the tech school, so.

8 Q. Because you were saying  
9 earlier, like, you weren't going to  
10 disrupt -- or, stop his ability to take  
11 the -- those courses?

12 A. Those specialized kind of  
13 courses that are available there, based  
14 off what, you know, we had in front of  
15 us.

16 Q. When you say "what we had in  
17 front of us", what do you mean?

18 A. We had, at that juncture,  
19 what I was aware of was that he was in  
20 the sixth grade with [REDACTED] at Gwynedd  
21 Square, and this was that whole incident  
22 that we talked about there.

23 Q. With his hand going up her  
24 shirt, is that what you mean?

1           A.       That's what we talked about  
2 earlier, yeah.

3           Q.       Okay. So based on that, you  
4 were saying that there wasn't enough, it  
5 didn't rise to the level to stop him from  
6 going to the tech school?

7           A.       That's all we had. She  
8 had not -- my memory is that she did not  
9 agree to go to Mission Kids, and you  
10 might have that somewhere, you know,  
11 better than me. But my memory is she  
12 didn't go to Mission Kids to  
13 follow-through on that, back there at  
14 Gwynedd Square. And then I'm pretty sure  
15 that she called me at some point and was  
16 saying, "I don't think that he should go  
17 to the school", and we talked about it  
18 all, and she didn't provide any  
19 additional other information that, you  
20 know, persuaded me, if you will, that  
21 [REDACTED] shouldn't be permitted to pursue  
22 that line of training that he wanted at  
23 the specialized school.

24          Q.       What about in terms of, we

1 talked about the [REDACTED] and [REDACTED]  
2 incident in sixth grade, but there was  
3 also another incident that we had gone  
4 over in the spring, that incident that  
5 you said was also involving a sexual  
6 nature, I think was your word, was that  
7 one of the things that you were  
8 considering in whether [REDACTED] should be  
9 allowed to continue at the tech school?

10 A. Well that was knowledge, you  
11 know, to me and to us. So that, you  
12 know, again, would have been I'm sure  
13 considered as a part of the full  
14 equation, but it wasn't at a point where  
15 we felt like we couldn't allow him to  
16 pursue a particular type of training that  
17 he was interested in getting.

18 Q. When you say it was,  
19 knowledge to me, to us, you mean, like,  
20 that you were aware of the incident in  
21 the spring, is that what you mean?

22 A. That's how we learned about  
23 the incident in the fall, was because  
24 there was an incident in the spring. So

1     then -- yeah.

2             Q.     Do you recall -- other than  
3     those two incidents, do you recall there  
4     being other females that came forward in  
5     Gwynedd Square about [REDACTED]  
6     inappropriately touching them?

7             A.     I'm not, no.

8             Q.     You don't, you don't recall  
9     that?

10            A.     I don't. I'm not aware of  
11     any -- were there others? I don't know  
12     of any.

13            Q.     There's documents that say  
14     that there was. I guess --

15            A.     I'm not --

16            Q.     -- I'm asking --

17            A.     I'm not aware of those.

18            Q.     Okay. When you had talked  
19     with Mrs. [REDACTED] about this  
20     conversation with [REDACTED] and [REDACTED] being  
21     at the tech school together, do you  
22     recall whether you had anybody else,  
23     like, in your office or on the line with  
24     you during that call?

1           A.     I don't.

2           Q.     What was the result of  
3     that -- the end result of that  
4     conversation with Mrs. [REDACTED] saying  
5     that she wanted [REDACTED] removed and you  
6     saying, "we're not going to remove him",  
7     what was the result of the -- what was  
8     the end of the conversation?

9           A.     I think the end of the  
10    conversation, I don't recall specifically  
11    if it was right at that juncture or if it  
12    was, you know, subsequently or, you know,  
13    a little time passed, but the end result,  
14    if you will, was that both of them  
15    attended the vocational school.

16          Q.     Do you recall having any  
17    conversations with Dawn LeBlanc about  
18    [REDACTED] and [REDACTED] attending the technical  
19    school together?

20          A.     Boy, hmm. It's possible.  
21    I'd have to have some more memory jogging  
22    on that, but I don't have that --

23          Q.     Do you recall --

24          A.     -- you know, engraved.

1           Q.     Do you recall telling Dawn  
2 LeBlanc something along the lines of  
3 "thank you for cleaning up my mess"?

4           A.     No. I don't remember  
5 anything like that, no.

6           Q.     Do you remember having any  
7 conversations with Dawn LeBlanc about the  
8 fact that, like, [REDACTED] and [REDACTED] were  
9 supposed to be kept separate and then  
10 they both got filtered into the same  
11 school, do you remember any conversations  
12 like that with her?

13          A.     I don't remember.

14          Q.     Do you remember making sure  
15 at all that you had counsel present when  
16 you were calling back Mrs. [REDACTED]  
17 about [REDACTED] and [REDACTED] being in the tech  
18 school together?

19          A.     No.

20          Q.     Do you know why the incident  
21 with [REDACTED] and [REDACTED] was not included  
22 in [REDACTED] or [REDACTED] student files?

23          A.     I don't know if it was or if  
24 it wasn't. Are you saying that it was

1 not?

2 Q. In their file that would  
3 have been passed from school to school,  
4 it's my understanding that it was not.

5 A. I'm not aware if it was or  
6 if it wasn't; I don't know.

7 Q. Is that something that, as  
8 superintendent, it was within your  
9 knowledge or responsibility, or is it  
10 somebody else that would be seeing or can  
11 answer questions about what is or isn't  
12 in a student's file?

13 A. Yeah. That wouldn't be me.  
14 I don't know what's in student files. I  
15 don't see student files move from  
16 building to building or within the  
17 building, I don't.

18 Q. Who would be that person who  
19 would be familiar with that; if you know?

20 A. Building principals would  
21 probably be the best people to talk to  
22 about that. Director of elementary,  
23 director of secondary might be  
24 knowledgeable about it. But I would say

1 the building principals are most  
2 knowledgeable.

3 Q. Okay. In the records that  
4 were produced from the school district, I  
5 think it was -- or, it might have been  
6 records that the district provided to the  
7 [REDACTED] when they requested records,  
8 there was an indication that there was a  
9 phone call between you and Mrs.

10 [REDACTED] on October 4th, 2017, that  
11 was [REDACTED] and [REDACTED] ninth grade year,  
12 and the conversation, according to Mrs.  
13 [REDACTED] started off that you weren't  
14 sure what she was referring to and that  
15 she needed to refresh your memory  
16 regarding [REDACTED] and [REDACTED] Do you  
17 recall that?

18 A. No. I don't recall that.  
19 I'm not sure what she -- what was she  
20 calling about? Did she -- maybe she  
21 wasn't clear what she was calling about.

22 Q. Let me -- I'll try and pull  
23 up the, the e-mail and see if it makes it  
24 any more clearer.



1 I'm sharing my screen. It's  
2 Page 486 of the -- production, for the  
3 record.

4 Are you able to see that  
5 here?

6 A. I see something to DL, I  
7 guess that would be Dawn LeBlanc.

8 Q. Right.

9 A. DCC Chaz H5 Contracting.

10 Q. This is an e-mail -- just to  
11 put it into context, this is an e-mail  
12 from Wendy [REDACTED] to Dawn LeBlanc,  
13 and Chaz is -- the H5 Contracting is  
14 [REDACTED] father. It says, dated  
15 10/4/2017, so I just go off the phone  
16 with Dietrich. He started off by,  
17 quote-on-quote, not knowing what the  
18 situation was and that I needed to  
19 refresh his memory. Not a good start.  
20 So I told him exactly what is going on,  
21 and I told him that I strongly  
22 remember -- sorry -- strongly recommended  
23 he remove the boy from tech school.

24 Is that -- is this the

1 conversation you were talking about,  
2 where you had it with Mrs. [REDACTED]  
3 and she wanted you to remove him from the  
4 tech school?

5 A. I'd say it's probably -- it  
6 could likely be that one.

7 Q. Because the next part says,  
8 he said he has to be careful because  
9 everyone has rights. I reminded him that  
10 he should be worried about [REDACTED]  
11 rights first and foremost, since it was  
12 the district's mistake by not putting  
13 safeguards in place. I explained that  
14 you are making accommodations to have  
15 [REDACTED] attend tech full-time. The boy  
16 could be in one school, and she could be  
17 in another, problem solved.

18 Does that sound familiar in  
19 the conversation you described?

20 A. She didn't want the boy to  
21 go to vo-tech. So he should go to a  
22 different school, and [REDACTED] should be  
23 the only one that goes to vo-tech.  
24 That's what I recall.

1 Q. Do you recall Mrs.

2 [REDACTED] -- or, you asking Mrs.

3 [REDACTED] to have your memory refreshed  
4 as to what was going on?

5 A. Yeah. And I still don't  
6 even know exactly to what she's referring  
7 that I started off by not knowing what  
8 the situation was. I don't believe that  
9 she's referring to what happened in  
10 Gwynedd Square. I think she's -- wasn't  
11 happy about something that happened at  
12 the vo-tech school, because I think  
13 that -- there was a difference of opinion  
14 at the vo-tech school. So, Dawn LeBlanc  
15 was very friendly with the family and  
16 was, you know, trying to do what she  
17 could in her position as the principal  
18 but was -- you know, I believe I  
19 understood was, you know, tried to work  
20 with the family. She -- I think Dawn had  
21 a -- and I think [REDACTED] might of  
22 had their child go in or something.  
23 That's not something I know with  
24 certainty.

1                   But I think Dawn was trying  
2   to work with the [REDACTED] family. I  
3   don't want to get into all the issues  
4   that Dawn was having as principal because  
5   I don't think that's appropriate. But I  
6   don't know what the situation was, and I  
7   still don't know what the situation was.  
8   I don't think it was regarding what  
9   happened at Gwynedd Square. I think  
10  there must have been something that they  
11  weren't happy about at the vo-tech  
12  school. That's what I believe it was.

13               Q.     Well and based on the date  
14  of this e-mail, it's October 4th, 2017;  
15  so about a month into the school year.

16               A.     I think they, they --  
17  somehow or another, they saw each other  
18  or something, that the boy and the girl  
19  crossed paths at the tech school.

20               Q.     Right. And that's --

21               A.     I think that's --

22               Q.     -- so I can --

23               A.     Yeah, go ahead.

24               Q.     I can represent to you that

1     that was the incident, that, based on  
2     the documentation and conversations  
3     that     I've had with Ms. [REDACTED]  
4     that once [REDACTED] and [REDACTED] had both been  
5     filtered -- gone into the tech school,  
6     [REDACTED] ran into [REDACTED] in the hallway and  
7     had a panic attack, because she had made  
8     the choice to try and transfer away to  
9     avoid him and then went to tech school  
10    and he was there in the hallway.

11           A.     Okay.

12           Q.     Is that --

13           A.     Yeah.  There was something  
14    where they saw each other at the school,  
15    but I think they're different versions  
16    about how all that happened.

17           Q.     What's the -- what is the  
18    other version that --

19           A.     There was some, some folks  
20    at the vo-tech school that [REDACTED] was not  
21    following various directives and whatever  
22    to not cross paths with the student, that  
23    they were, you know, doing things that  
24    would find themselves together.  That was

1 the belief among some people there;  
2 that's my understanding. Again, I wasn't  
3 there. So I didn't see it for myself.  
4 But I think there was something at the  
5 vo-tech school where they saw each other  
6 and, and [REDACTED] -- and mom talked about  
7 that. They had meetings up there, I  
8 never got, you know, like, into the  
9 details or whatever, but I know that the  
10 school personnel there were having  
11 meetings with the [REDACTED] about her  
12 being compliant because there were people  
13 that were there that thought she just  
14 wasn't cooperating with them in terms of  
15 doing her part at the vo-tech school, to  
16 be there and not to be out and about.

17 Q. Do you know, were you  
18 involved or were you aware of any  
19 discussions about [REDACTED] not having the  
20 proper supports with her having ADHD at  
21 the tech school?

22 A. No. I, I was not told that  
23 she didn't have the proper supports.

24 Q. Do you -- [REDACTED] safety

1 plan, I believe, was not implemented at  
2 the start of the school year at North  
3 Montco. Are you aware of when that  
4 safety plan went into place?

5 A. I'm not sure.

6 Q. Okay. So you don't know  
7 whether, at this point when they run into  
8 each other in the hallway, whether there  
9 was a safety plan in place at that point?

10 A. I don't know with enough  
11 certainty to say that, you know, I can  
12 say whether there was or there wasn't.  
13 There could have been, but it might have  
14 been changed. I don't remember exactly  
15 how that all was -- I was not there.

16 Q. Once your memory had been,  
17 you know, refreshed where, you know, you  
18 had talked to Mrs. [REDACTED] about  
19 [REDACTED] and [REDACTED] being separated, did  
20 you do anything with that information?

21 MS. JORDAN: Note my  
22 objection to the form of the question.  
23 You can answer.

24 THE WITNESS: Did I do

1 anything about the vo-tech school?

2 BY MS. LAUGHLIN:

3 Q. That Mrs. [REDACTED] was  
4 saying that [REDACTED] and [REDACTED] should be  
5 separated, did you do anything with that  
6 information?

7 MS. JORDAN: Note my  
8 objection to the form of the question.  
9 You can answer.

10 THE WITNESS: They weren't  
11 separated. They continued at the same  
12 school, and there were assurances that  
13 they had a plan, a safety plan, but  
14 [REDACTED] had to follow it. And I  
15 recall being told that there were  
16 difficulties with getting [REDACTED] to  
17 follow the plan that they wanted her  
18 to follow at the vo-tech school.

19 BY MS. LAUGHLIN:

20 Q. Do you recall being part of  
21 the decisionmaking for approval for  
22 [REDACTED] to attend North Montco full-time  
23 that year?

24 A. No. I wouldn't have been



1     like, in the -- I don't recall that.

2     Like, to approve who goes to the vo-tech  
3     and who doesn't? I don't get involved in  
4     those. You'd have to have some special  
5     kind of situation to jog my memory on  
6     that one. I don't remember that.

7             Q.     Yeah. I'll show you an  
8     e-mail not. For the record, this is Doe  
9     production 1598. This is an e-mail from  
10    Dawn LeBlanc, October 6th, which is,  
11    like, right around the same timeframe of  
12    the e-mail we just looked at. It says, I  
13    spoke with Dr. Dietrich yesterday, and he  
14    gave approval for [REDACTED] to attend North  
15    Montco full-time --

16            A.     This is ninth grade?

17            Q.     Right.

18            A.     Okay. So --

19            Q.     Go ahead.

20            A.     That seems to indicate Dawn  
21    must have called or someone contacted me  
22    and said, "we'd like to have her be at  
23    North Montco full-time", and I said,  
24    "surre, fine".

1 Q. And you said, "sure, fine"?

2 A. Yeah.

3 Q. Okay. But you said normally  
4 that's not something that you're involved  
5 with?

6 A. No. The mom -- so earlier,  
7 when -- did that previous -- was that  
8 prior to October 6th?

9 Q. I think it was around the  
10 same timeframe. It was October 4th. So  
11 two days prior to the last e-mail we just  
12 looked at.

13 A. I think [REDACTED] -- [REDACTED] had  
14 reasons why she wanted to be at the  
15 vo-tech school and be in that PYAP  
16 program. I don't remember what they  
17 were. But I think she must have made  
18 some kind of a case for, that would be  
19 the best program for her, for her, you  
20 know, pursuit of her educational goals,  
21 so she could go to the vo-tech school. I  
22 think that [REDACTED] felt more -- I don't  
23 know -- comfortable at the vo-tech  
24 school. I think she, you know, felt like

1 Dawn LeBlanc was somebody that, you know,  
2 she could see as an ally, that sort of  
3 thing. I think that, I think that  
4 Dawn -- I'm not positive about this, but  
5 I think that Dawn might have also had  
6 something where -- like, besides school.  
7 I don't know for certain. Something  
8 tells me that she had a riding -- riding  
9 stables or something and [REDACTED] had a  
10 horse there or went there for riding  
11 lessons or -- I don't -- something like  
12 that. I'm not sure. You can pursue that  
13 if you care to. I think there was  
14 something there. Bottom line is, the  
15 reason I'm saying this, I think that  
16 [REDACTED] felt, like, the school, vo-tech  
17 school, was my spot, I feel better about  
18 that than, you know, the other options,  
19 like Pennbrook.

20 Q. Do you know why she felt  
21 better about tech than the --

22 A. No. I just explained why I  
23 think that maybe she did. I don't know  
24 for certain.

1           Q.     Okay.  When a student is  
2     attending a tech school, are they still,  
3     like, the district's responsibility?

4           A.     Yeah -- well, in terms of  
5     paying for the cost of that.  But the  
6     vo-tech school has a level of  
7     independence in terms of how they  
8     operate.  We don't dictate to them, but  
9     we work cooperatively with them.

10          Q.     Okay.  But are they still,  
11     like, a district student if they're  
12     attending the tech school?

13          A.     Yeah.  They are still a  
14     district student, and they're also a  
15     vo-tech school student.

16          Q.     Okay.

17          A.     They're, like, both.

18          Q.     You mentioned about a  
19     conversation that you had, I think with  
20     Ms. Small, and so I'm gonna ask you  
21     about, were you part of any conversations  
22     or discussions for [REDACTED] going to North  
23     Penn High School in tenth grade?

24          A.     I don't recall what happened

1    there.  I think that the vo-tech didn't  
2    want [REDACTED] to continue as a full-time  
3    PYAP student in their program or a  
4    full-time student there.  I don't  
5    remember exactly.  But somehow or  
6    another, then, it was going to be -- I  
7    think she continued halftime at the  
8    vo-tech school and halftime at North Penn  
9    High School but not full-time at North  
10   Montco Vo-Tech.  That's what I think  
11   happened.  Again, you'd have to jog my  
12   memory if there's something else.

13           Q.     You're right, that in tenth  
14   grade -- and I'm not, I'm not trying  
15   to -- a memory test here or anything --  
16   that in ninth grade -- or, I'm sorry --  
17   in tenth grade, [REDACTED] was going to be  
18   going part-time a day to North Penn High  
19   School and part-time a day to North  
20   Montco, the vo-tech school.

21                   But were you part of any  
22   discussions -- because you mentioned that  
23   you had a call with Kate Small about  
24   needing to check the schedule, and she

1 confirmed to you that she did that. So I  
2 just, I guess, am trying to understand  
3 how you became involved in those  
4 discussions.

5 A. Well, we had the discussions  
6 about the two of them not crossing paths  
7 and not, you know, being together and,  
8 you know, not being in the same classes,  
9 that -- classes, that sort of thing.  
10 That was part of the whole ninth grade  
11 discussion part of the -- I think it was  
12 part of the reason why she wanted  
13 Pennbrook, but I'm not a hundred percent  
14 sure there weren't other reasons too.  
15 But -- so now it's time for tenth grade,  
16 and, you know, it's quite possible that  
17 Mrs. [REDACTED] and I discussed in a  
18 call sometime -- I'm not sure about that,  
19 though -- that, you know, they, you know,  
20 would be -- somebody would check to make  
21 sure they're not in the same classes, you  
22 know, that kind of a thing.

23 Q. To try and make sure they  
24 weren't going to cross paths or be in the

1 same classes together at North Penn High  
2 School?

3 A. Yeah.

4 Q. Okay.

5 A. So I would have brought them  
6 to Kate and said to Kate -- she -- her  
7 office was in the same building as  
8 mine -- you know, gone down the hall,  
9 probable, and said, make sure, you know,  
10 that they're not in the same class. Yup,  
11 I know, I'm aware of it, and, you know,  
12 I'm on it. And she did do that. It's my  
13 understanding she did check, and they  
14 were not in the same class.

15 Q. Okay. And that was  
16 before -- was that before the start of  
17 school?

18 A. That was before the start of  
19 school. And then, it's my understanding  
20 that somehow or another, and I don't know  
21 how, they got in the same class because  
22 when -- the next thing I heard, then,  
23 after that was that -- I think [REDACTED]  
24 wasn't successful with her schedule, she

1 needed a schedule change of some kind. I  
2 don't know if it was that social studies  
3 class, though. It could have been  
4 another reason, which I think it was, but  
5 I'm not positive, that she was struggling  
6 in, I want to say, you know, like, a math  
7 class, but I don't remember which one,  
8 but there was some reason she needed a  
9 schedule change, I believe, and that  
10 might been by October sometime. And then  
11 when they were trying to tell her you're  
12 going to have to have a schedule change,  
13 what I was told was she was -- to a  
14 schedule change, didn't want a schedule  
15 change, and then, [REDACTED] you have to  
16 have a schedule change, and she said,  
17 well, just so you know, I've been in the  
18 same class with, you know, this boy I'm  
19 not supposed to be in class with. And  
20 then we had contacted the teacher, I  
21 believe it was Tim Borgmann, about that,  
22 and then they reported back to me. I  
23 didn't talk to Tim. But they reported  
24 back to me that Tim was quite surprised



1 by that because he often saw them  
2 volunteering to be together and do that  
3 kind of that. That's what I was told.

4 Q. Who --

5 A. She had not said anything to  
6 anybody. Like, even when she went in the  
7 class, she didn't look around and say,  
8 you know, oh, boy, here is [REDACTED] [REDACTED]  
9 and, you know, we're not supposed to be  
10 in the same class. She never said  
11 anything to anybody until it was time for  
12 a schedule change. Again, that would  
13 have been the second schedule. In other  
14 words, the first schedule, they weren't  
15 in the same class. Then there was a  
16 schedule change before school started,  
17 and I don't know why, and you'd have to  
18 ask, like, Pete Nicholson or Kate Small  
19 or one of the assistant principals. I  
20 mean, there's a host of reasons on how it  
21 could have happened. It could have  
22 happened at the request of -- they had,  
23 like, a drop/add-thing. So it could have  
24 happened during the drop/add. It could

1 have happened where somebody said, oh, I  
2 need to fit Kyle Somers in the class, if  
3 I take -- and it's full -- if I take  
4 [REDACTED] [REDACTED] out, she still gets  
5 all the classes she wants, and I can  
6 solve my problem to get Kyle into the  
7 class. Like, sometimes when assistant  
8 principals do that, or whoever does --  
9 the guidance counselors do schedule  
10 changes, they do that. So that's  
11 another -- I mean, a bevy of reasons  
12 could have, you know, explained how.

13                   Somehow or another, after  
14 Kate checked the schedule, they got in  
15 the class together. We never heard from  
16 [REDACTED] or her mom or anybody that they  
17 were in the class together, and then it  
18 was time to make a schedule change, and I  
19 think it was because [REDACTED] -- but I'm  
20 not positive -- [REDACTED] was struggling in  
21 a different class, and the only way they  
22 could -- like, often, it's math where  
23 it's, like, this level of math has just  
24 proven to be too hard, and they need to

1 take a different level of math, you know,  
2 that kind of thing. I think there was a  
3 necessity to meet a different need. I  
4 don't think it was the social studies  
5 class she was struggling because I  
6 remember being told that the social  
7 studies teacher was quite surprised that  
8 they were not supposed to be in the same  
9 class.

10 Q. So you didn't think that  
11 [REDACTED] was struggling in social studies?

12 A. I don't know for certain.  
13 You'd have to ask others. I don't know.  
14 There was a reason why she needed to have  
15 a schedule change, and I was told her  
16 initial reaction was she was not in favor  
17 of that but that eventually they kept  
18 insisting, you know, you're not going to  
19 be successful. So, probably her case  
20 manager for -- if she had an IEP or Kate  
21 Small or somebody would be better able to  
22 answer why she had to have that schedule  
23 change at that point. But she had to  
24 have one, and then she disclosed to the

1 group that, do you know, I've been in the  
2 same class with this student since  
3 September.

4 Q. Who told you that, that last  
5 part of what you're describing to me?

6 A. That would have been --  
7 either, probably, if would have been Kate  
8 Small or Pete Nicholson. I'm pretty sure  
9 Pete was principal. I think he was in  
10 his first year of principal at that time.

11 Q. That's -- I think that's  
12 accurate from what --

13 A. Yeah. I think that that  
14 would have been either Pete or Kate. I  
15 don't know who else it could have been.  
16 I would say it's probably one of those  
17 two. I don't remember who, though.

18 Q. And were they communicating  
19 to you that they -- whoever was telling  
20 you this believed that she was saying,  
21 we're in the same class, because she  
22 didn't want her schedule changed?

23 A. Yeah. That's what I had  
24 been told. I don't know if it's -- I

1 don't know what's that's based off of.

2 Q. Okay.

3 A. So I don't want to present  
4 that as fact because I didn't hear it  
5 myself. You know, I don't know.

6 Q. Okay. Do you know whether  
7 any investigation or interviews took  
8 place following [REDACTED] disclosure?

9 A. Interviews, of?

10 Q. Any of the students, to find  
11 out what had happened or if anything  
12 happened.

13 A. You'd have to ask Pete and  
14 perhaps an assistant principal or Kate  
15 Small. People like that would be better  
16 able to answer; I don't know.

17 Q. Okay. Have you been told  
18 anything other than, she didn't want her  
19 schedule changed -- or, I'm sorry -- have  
20 you been told anything other than that  
21 [REDACTED] said, we were in the same class,  
22 were weren't supposed to be, were you  
23 told anything in addition, like, that he  
24 had sexually assaulted her?

1           A.     No.

2           Q.     Have you been told anything  
3     about an allegation of digital  
4     penetration in the classroom?

5           A.     No.

6           Q.     Any investigation into --  
7     after [REDACTED] disclosure of what you  
8     described, was that the responsibility of  
9     Pete Nicholson?

10          A.     In terms of following  
11     through? I need to know what the  
12     allegations or, you know, the concerns  
13     were in terms of -- but if there were  
14     concerns that were raised, then that  
15     would be the high school principal that  
16     would be the one that I would expect that  
17     would, you know, pursue those concerns.  
18     I don't know about that, and I don't know  
19     what, if anything, was done. The only  
20     other part I know about that is I was  
21     told that Tim Borgmann said that he was  
22     quite surprised when he then was told  
23     they weren't supposed to be together,  
24     that he had said that he was quite

1 surprised by that because they would  
2 often volunteer to be partners on  
3 projects and things like that. I was  
4 told that, but I didn't see that for  
5 myself. You know, I didn't -- that's  
6 just -- again, I didn't talk directly to  
7 Tim either. So that's not directly from  
8 Tim.

9 Q. Who told you that? Was  
10 that, again --

11 A. I think it was either Pete  
12 or Kate. I don't know who else it could  
13 have been; I'm not sure. I would guess  
14 probably either Pete or Kate, but I'm not  
15 sure.

16 Q. Okay. And how did they tell  
17 you these things? Was it on the  
18 telephone? In writing?

19 A. No. It wouldn't -- I  
20 seriously doubt that it was in writing.  
21 I don't think it was in writing. I think  
22 it would have been on the phone or in  
23 conversation together, in-person.

24 Q. And why were they --

1     sorry -- why were they telling you these  
2     things; if you know?

3             A.     In terms of where things  
4     stand, like, as much as they, you know,  
5     whatever, knew at that juncture. But I  
6     had not heard any of those things you  
7     talked about earlier, about -- are you  
8     saying that there were allegations of  
9     digital penetration and things like that?

10            Q.     Yes. I mean, that is --

11            A.     Okay. I'm not aware of  
12     that.

13            Q.     Okay. But my, my question,  
14     I think, was, since you're the  
15     superintendent, you said you don't  
16     normally get involved in, like, student  
17     building level things, why were they  
18     communicating these things to you?

19            A.     Mrs. [REDACTED] would call  
20     me, had called me over the course of the  
21     time period. So I think they wanted me  
22     to know about that.

23            Q.     Because they were aware that  
24     Mrs. [REDACTED] had called you?



1           A.     Mrs. [REDACTED] had called  
2 over time, over the course of the years,  
3 you know, concerned about the handling of  
4 [REDACTED] and, you know, the class and the  
5 boy --

6           Q.     Did you --

7           A.     -- [REDACTED] --

8           Q.     Sorry.

9           A.     No problem.

10           [REDACTED] [REDACTED]

11           Q.     Did you ever say to Pete  
12 Nicholson or Kate Small, like, keep me in  
13 the loop on this or include me -- update  
14 me on what's happening?

15           A.     I don't know. It's  
16 possible. Yeah, I wouldn't be surprised  
17 if I said that; I don't know.

18           Q.     I'm just trying to  
19 understand, you know, based on what you  
20 told us earlier in the deposition of the  
21 things you would really get involved in  
22 why Pete Nicholson, for example, would be  
23 calling you and telling you this  
24 information?

1           A.     It would be because Mrs.  
2     [REDACTED] has called me. So I think  
3     that, you know, administrators would let  
4     me know stuff and that kind of thing. So  
5     that's -- I mean, you'd have to ask Pete,  
6     if it was Pete who did it, and why he did  
7     it, but yeah.

8           Q.     Do you know whether, at any  
9     point, there was discussion about  
10    removing [REDACTED] from North Penn High  
11    School?

12          A.     Uh-uh. I'm not aware of it.

13          Q.     That's something you  
14    wouldn't be, like, taking the lead on  
15    because of your role as superintendent?

16          A.     Expulsion.

17          Q.     Were you part of any  
18    discussion about any discipline for him,  
19    for [REDACTED]

20          A.     I don't recall any of that.

21          Q.     After [REDACTED] disclosure  
22    had come to light, were you part of any  
23    conversations about [REDACTED] transferring  
24    back full-time to North Montco or

1 anything like that?

2 A. [REDACTED] disclosure she was  
3 in the same class?

4 Q. Yeah. Whatever had come of  
5 that -- I can represent to you, after  
6 there was a disclosure, whatever you're  
7 saying was made, there was an  
8 investigation, I think by Pete Nicholson.

9 A. Okay. So what's your  
10 question?

11 Q. My question was, [REDACTED]  
12 ended up transferring back full-time  
13 to -- away from North Penn High School to  
14 the tech school.

15 A. Okay.

16 Q. Were you part of any of  
17 those discussions or conversations?

18 A. It's possible that they  
19 called me to say, hey, we'd like to take  
20 her back or the best solution is she goes  
21 back to vo-tech full-time. That's the  
22 part I'm not really clear about, if she  
23 was full-time -- I guess she was -- she  
24 must have been part-time initially, then

1 she asked to go to full-time and then  
2 back to part-time again in the beginning  
3 of tenth grade and then back to  
4 full-time. Vo-tech must have said, all  
5 right, fine, we'll take her. I know Dawn  
6 felt like she could figure out ways to  
7 work with her, but I know there were  
8 others at the vo-tech school that didn't  
9 really want to see her there full-time.  
10 That, that is something I'm, you know,  
11 pretty certain about.

12 Q. Were you part of any of  
13 those conversations? I know you're  
14 saying, like, she was part-time and then  
15 she was full-time. Were you part of any  
16 of those decision-making?

17 A. Well you showed me that  
18 e-mail that they said that they had  
19 talked to me, and they -- Mrs.  
20 [REDACTED] called me many times, but I  
21 don't remember, you know, dates or  
22 specifics. So, if you have something  
23 else to jog my memory, I'll certainly  
24 take a look at that, but I don't

1 remember.

2 Q. Okay. Are you familiar with  
3 the -- with North Penn's policies on  
4 definitions of, like, different  
5 disciplinary code violations?

6 A. In terms of, like, a level  
7 one, level two, level three, level four?

8 Q. No. Like, when -- like, for  
9 example, in terms of what the school  
10 district defines harassment as, like,  
11 those policies.

12 A. Well, we have policies, but  
13 I'd have to have them in front -- I am  
14 familiar that we have policies, but I  
15 can't quote to you, you know, chapter and  
16 verse.

17 Q. Do you know what the  
18 district defines as an obscene gesture?

19 A. I'd have to see what's in  
20 the policy that defines it.

21 Q. Okay. Do you know whether  
22 what had happened to the two students at  
23 the Gwynedd Square Elementary School,  
24 whether those were -- would you define

1     them as obscene gestures?

2             A.     I don't know what you're  
3     talking about, obscene gestures.

4             Q.     I'll show you -- give me one  
5     second.

6                     Are you able to see my  
7     screen?

8                     MS. JORDAN:   Not yet.

9                     THE WITNESS:   Not yet.

10                    MS. LAUGHLIN:   Okay.   Sorry.

11   BY MS. LAUGHLIN:

12             Q.     This is [REDACTED]  
13     disciplinary file, or student file, I  
14     think, that was turned over from the  
15     district.

16                     Have you ever seen this  
17     before?

18             A.     I have not.

19             Q.     It -- in Gwynedd Square  
20     Elementary School, it says that the  
21     incident was an obscene language or  
22     gesture.   Do you see that?

23             A.     I see that.

24             Q.     Is what we described and

1 what we talked about earlier with these  
2 incidents with the girls in sixth grade,  
3 was that, as you understand it, obscene  
4 language or gesture?

5 A. I don't know to what that is  
6 referring. I see a date of April 9th.  
7 So I don't know what they categorized, if  
8 that was something different or if it was  
9 what we were talking about with the  
10 springtime interaction with another girl  
11 in the classroom, at which time, then,  
12 the disclosure that there was something  
13 happened in the fall, whatever date that  
14 was; I don't know.

15 Q. I can represent to you, from  
16 taking the deposition of the principal of  
17 Gwynedd Square Elementary School, that he  
18 was saying that this line here was  
19 supposed to be all of the incidents that  
20 [REDACTED] had been involved in at Gwynedd  
21 Square in the sixth grade year with  
22 allegations that he was touching female  
23 students.

24 Do you know whether, under

1 the North Penn district policies, whether  
2 that should be categorized as an obscene  
3 language or gesture, based on the  
4 disciplinary -- or, the policies of the  
5 district?

6 MS. JORDAN: Note my  
7 objection to the form of the question.  
8 You can answer.

9 THE WITNESS: I don't know  
10 enough of the specifics to know what  
11 happened there and the way that that  
12 should be interpreted, in terms of the  
13 offense or the incident description.  
14 So I don't know enough about that to  
15 describe if that was -- an obscene  
16 language was stated during whatever  
17 kind of interactions or if there was  
18 some kind of gesture that they're  
19 interpreting as obscene; I don't know.  
20 I don't know enough about what  
21 happened.

22 BY MS. LAUGHLIN:

23 Q. Under the district policy,  
24 is an obscene gesture, would that be



1 something like putting his hand up a  
2 female student's shirt, or is that not  
3 what an obscene gesture is under the  
4 policy, from what you understand?

5 MS. JORDAN: Note my  
6 objection to the form of the question.  
7 You can answer.

8 THE WITNESS: Again, it's  
9 really difficult to give you a  
10 specific description of what falls  
11 into the choice that the principal  
12 selects for a descriptor of the  
13 incident. So I didn't see the  
14 incident, and I don't know what was  
15 there, and I wasn't there to be able  
16 to pass judgment whether that was, you  
17 know, obscene language and obscene  
18 gesture/gesture or if there was  
19 additional, what it was. I really  
20 don't know.

21 BY MS. LAUGHLIN:

22 Q. Were you aware at all if  
23 [REDACTED] -- the allegations that he  
24 sexually harassed two additional girls at

1 the middle school?

2 A. I'm not aware of them.

3 Q. Is there a certain point in  
4 time where after a student has conduct  
5 involving -- or, allegation of conduct  
6 involving sexual harassment that you  
7 would expect to be made aware as the  
8 superintendent?

9 A. In terms of the student  
10 discipline, if it rises to the level of  
11 an expulsion, I would be made aware of  
12 that, and then we would proceed through  
13 the, you know, the procedures that there  
14 are for student expulsion.

15 Q. Is there any guidance to  
16 give downward to, like, principals or  
17 directors of education about when  
18 students should be expelled from school?

19 A. Again, these are incidents  
20 that expulsions aren't, you know, able to  
21 be cut and dry and described in specific  
22 terms. There's certain things that, if  
23 it falls into that category, if you look  
24 at our school discipline code, it would

1 say, you know, expulsion, for example, I  
2 believe. So that would be the best thing  
3 I could point you to.

4 Q. Are you talking about the --  
5 sorry.

6 A. Interpretations that leaders  
7 have to make if it rises too. So I'll  
8 give you an example. There was an  
9 interaction that was physical that some  
10 people would call a fight, might another  
11 person call it a tussle. You know, so  
12 sometimes there are differences of  
13 opinion as to whether or not I would call  
14 that a fight or a tussle, you know, would  
15 I call that assault or -- assault --  
16 somebody, you know, gets into it with  
17 somebody else or would I not call it a  
18 physical assault. There's all these  
19 other things that I know that principals  
20 deal with in terms of trying to determine  
21 what to call it. So, yeah.

22 Q. So something that there is,  
23 like, choosing or giving their own  
24 interpretation in a sense to decide what

1 they think fits best in that particular  
2 scenario?

3 A. Yeah. There's a level of  
4 that, and we can't divulge -- that.  
5 It's -- it would be pages upon pages upon  
6 pages to try to describe all the nuances  
7 that go into trying to describe whether  
8 something is characterized in one way or  
9 another way.

10 Q. As a superintendent, do you  
11 set any policies or guidance for schools  
12 to follow in terms of document retention  
13 in student files?

14 A. So we have a document  
15 retention policy. So whatever that  
16 policy says is what we would do. So, I,  
17 again, don't have that committed to  
18 memory. But there are certain things  
19 that, you know, are kept for retention  
20 for -- I don't know -- many, many years,  
21 I guess, right, other things that are  
22 gone when a student graduates, other  
23 things that probably never even make it  
24 into a file. You know, so I would best

1 point you to that policy.

2 Q. Is that a district policy?

3 A. Yeah. We have a district  
4 policy on retention.

5 Q. Is --

6 A. We're in the midst of  
7 revising policies. So, I don't know  
8 which one, but I can recall, a few years  
9 ago, we had discussion about the  
10 retention policy, how many years we  
11 should keep certain things.

12 Q. Does that also include,  
13 like, student disciplinary records?

14 A. I think you have to look in  
15 there to see if that's there. I don't  
16 have it committed to memory, but I don't  
17 think so.

18 Q. When you say that you're  
19 working on revision of policies, is that  
20 the school district is working on that?

21 A. Yes. We have a school board  
22 policy committee, and we work with school  
23 board reps on that committee and school  
24 solicitor's office, and then the

1 assistant superintendent, Dr. Bauer, is  
2 the lead individual from the  
3 administration team on the policy  
4 committee.

5 Q. Why are you reviewing the  
6 policies now --

7 A. Because --

8 Q. -- is it for a particular --  
9 go ahead.

10 A. Because it's time. We  
11 haven't done them for a long time. I  
12 don't -- some of our policies weren't,  
13 you know, updated and reviewed, I want to  
14 say 2007, 2008, 2009, I think some might  
15 go back that far. So it's time to go  
16 through -- some of them don't change.  
17 Others change, you know, they get  
18 updated.

19 Q. Is it all policies, like,  
20 every policy in the district is currently  
21 going through revision?

22 A. That's the goal, but we work  
23 through methodically. So we try to go  
24 through them one at a time. Sometimes

1 we're able to accomplish, you know,  
2 three, four, five of them in a particular  
3 month. But we're working our way through  
4 it.

5 Q. Prior to -- when did you  
6 start revising or going through this  
7 policy of revising those policies?

8 A. I'd have to look to be  
9 certain, but I think we're in the second  
10 year -- I don't remember if it was a full  
11 two years, though, I would say probably  
12 not. I don't think we started, you know,  
13 August two years ago, but I have to look  
14 it up.

15 Q. How did that come to be,  
16 that there was going to be a decision  
17 made to revise all the policies?

18 A. We just decided it was time.  
19 It was a discussion with the school  
20 board, who sets policies. It's their  
21 role to set policies.

22 Q. Okay.

23 A. And it was time now that we  
24 need to embark on revising policies. I

1 think we started before COVID but not  
2 much before COVID hit, and then we still  
3 continued to try to work our way through  
4 some policies and deal with all the  
5 COVID-related decisions that we have to  
6 make.

7 Q. Before making the decision  
8 that you're gonna embark on revising all  
9 policies, was there any type of frequency  
10 in place to do a policy review of what  
11 might be needed to be updated?

12 A. No. We don't have a policy  
13 on -- at least I don't recall that we  
14 have a policy on how often we have to  
15 review the policies. Yeah, it's just one  
16 of those things where -- it's a  
17 time-intensive process, and we felt that  
18 it was time to, to really do a  
19 comprehensive -- there were other changes  
20 in policies since we did the last  
21 comprehensive review, but the last time  
22 we did a comprehensive review, we  
23 actually hired a retired school  
24 administrator to assist in working



1 through those policies because it's so  
2 time-intensive.

3 Q. On this round, did you hire  
4 someone like that again to help you work  
5 through the policies?

6 A. No. Not yet, we have not.

7 Q. Okay. Yet, I mean, do you  
8 guys plan to do so, or is that --

9 A. What are you doing on the  
10 weekend? I'm joking with you. I don't  
11 know. We don't -- I don't have any  
12 intention, I don't think we have -- you  
13 know, it just takes a lot of time.

14 Q. Okay.

15 A. And we work with the  
16 solicitor's office to do it.

17 Q. Okay.

18 MS. LAUGHLIN: I think those  
19 are all the questions I have for you.

20 THE WITNESS: Thank you.

21 MS. JORDAN: Thank you.

22 I will take a copy of the  
23 transcript, a hard full-sized copy.

24 (Whereupon, the deposition

1 concluded at 2:48 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the  
witness was duly sworn by me and that the  
deposition is a true record of the  
testimony given by the witness.

A handwritten signature in blue ink, appearing to read "Ben Pieczynski, Jr.", is written over a horizontal line.

BEN PIECZYNSKI, JR., a  
Professional Reporter and Notary  
Public

Dated: September 4th, 2021

(The foregoing certification  
of this transcript does not apply to any  
reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

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# EXHIBIT “I”

**Betsy B. Smith**  
**EXPERT OPINION REPORT**  
**Pursuant to the Federal Rules of Civil Procedure, Rule 26**

Court: United States District Court, Eastern District of Pennsylvania  
Case Number: 2:20-cv-05142  
Case Name: *Jane Doe v. North Penn School District*

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I. Introduction

I, Betsy B. Smith, am over 18 years of age and would be competent to testify if called as a witness in this matter. I have prepared this report on behalf of the Defendant, The North Penn School District, in the matter of *Jane Doe, v. North Penn School District*. I declare under penalty of perjury, that my opinions as outlined in this report are truly my opinions and accurately reflect my review of the matter. My opinions are based on my education, skill, experience and knowledge developed through my career working with K-12 and higher education institutions on the legal aspects of compliance with Title IX and related laws and regulations. My opinions given in this matter are all expressed with a reasonable degree of professional and legal certainty.

I am a licensed practicing attorney in Maryville, Tennessee and currently serve as a Senior Investigator and Consultant with Institutional Compliance Solutions (“ICS”), a legal and consulting company that provides advice and training to colleges, universities, and K-12 districts. I specialize in advising K-12 districts and institutions in Title IX compliance and related laws and regulations. I regularly provide legal advice, conduct external Title IX investigations and conduct trainings of decision-makers, investigators, Title IX Coordinators and other administrators involved in Title IX compliance. Additionally, I perform audits of Title IX processes and procedures. I have been licensed to practice law for twelve and a half (12.5) years and have worked in education specializing in Title IX compliance, for six and a half (6.5) years with my time before that working as an Assistant District Attorney, specializing in domestic violence and sexual abuse matters.

Prior to working at ICS, I served as the Director of Student Conduct and Community Standards and Deputy Title IX Coordinator for Investigations at the University of Tennessee, Knoxville for five (5) years. I was involved in all student reports of misconduct and Title IX.

In addition to service in the industry, I am a thought leader in the industry and have trained and led webinars on Title IX Compliance for the past two and a half (2.5) years for thousands of participants. I regularly present webinars on Title IX compliance and create content for the ICS membership for institutions and K12 districts to assist them with trainings and compliance. Full details of my qualifications and experience entitling me to give an expert opinion, including a list of my speaking, trainings, and publications are contained in Appendix A.

I reserve the right to use any exhibits referenced in my report at trial to explain or summarize my opinions; however, at this time I have not prepared any exhibits for trial, and the only documents I am referencing are those in Appendix B.

## II. Engagement and Issues to be Addressed

The law firm of Hendrazak & Llyod retained me in January 2022 to review the case on behalf of the Defendant, The North Penn School District (NPSD). In order to draft this report, I reviewed a variety of documents provided by Hendrazak & Lloyd, which assisted me in reaching an opinion in this matter. All of the materials I have reviewed are listed in Appendix B.

The statements made herein are based on my personal knowledge, which is based on a review of the documents listed. Please note that my opinions are based on my review of the items listed in Appendix B, as well as my personal experience in similar cases and my working knowledge of the applicable laws and regulations. If new information should come to light during the discovery process, experts' depositions or trial, it is possible that my opinions may change depending on said information.

Based on the materials reviewed, I was asked to provide my opinion as to the conduct, policies and practices used by NPSD in handling matters before, during and after a November 17, 2014 contact between Doe and P.B.

## III. Parties

Jane Doe ("Doe")	Complainant/Plaintiff
P.B.	Male student involved in contact with Doe
Mrs. Doe	Mother of Jane Doe
Holly Andrew Garrett ("Ms. Garrett") <sup>1</sup>	Special Education Teacher/Inclusion Facilitator Gwynedd Square Elementary School ("Gwynedd")
William (Bill) Bowen ("Mr. Bowen")	Principal at Gwynedd
Ruth Divver ("Ms. Divver")	Teacher at Gwynedd
Rossana D'Elia ("Ms. D'Elia")	Teacher at Gwynedd
Kristin Vaszily ("Ms. Vaszily")	Guidance Counselor at Gwynedd
Curtis Dietrich ("Dr. Dietrich")	Superintendent at NPSD
Dawn LeBlanc ("Dr. LeBlanc")	Principal at North Montco Technical School ("North Montco")
Todd Bauer ("Dr. Bauer")	Prior Principal at North Penn High School ("North Penn") and current Assistant Superintendent at NPSD
Kyra O'Brien ("Ms. O'Brien")	Guidance Counselor at North Penn
Kate Small ("Ms. Small")	Supervisor of Special Education at North Penn

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<sup>1</sup> Holly Andrew Garrett married during the 2014-2015 academic year. Her maiden name was Holly Andrew, and her is married name is Holly Garrett. For purposes of this report, she will be referred to as Ms. Garrett.

Pete Nicholson (“Mr. Nicholson”)	Principal at North Penn
D’ana Waters (“Ms. Waters”)	Assistant Superintendent NPSD
Cheryl McCue (“Dr. McCue”)	Title IX Coordinator and Director of Human Resources
Neil Broxterman (“Dr. Broxterman”)	Case Manager while Doe Attended Northbridge Virtual Academy
Sargeant Ted Ciaola (“Sgt Ciaola”)	Investigator with the Upper Gwynedd Police Department

#### IV. Brief Timeline of Events

2007	Doe was a 5 year old girl and was assaulted by a teenage neighbor
2014-2015 Academic Year	Doe’s 6 <sup>th</sup> Grade Year <ul style="list-style-type: none"> <li>November 17, 2014 - 6<sup>th</sup> Grade incident witnessed by Ms. Garrett in which P.B. attempted to place his hand up Doe’s sweatshirt and P.B. and Doe were holding hands under the table</li> <li>Doe alleges that P.B. additional inappropriate touching occurred during this academic year.</li> <li>April 1, 2015 and April 9, 2015 – P.B. sexually harassed one female student and touches another female student on the leg and under her shirt. These incidents were reported by a teacher who witnessed the behavior, Rossana D’Elia. After learning of these incidents, Ms. Divver reported the November 2014 incident involving P.B. and Doe.</li> <li>April 13, 2015 – after a meeting with P.B. and his parents in which P.B. admitted to the reported conduct, P.B. received an out-of-school and in-school suspension.</li> </ul>
2015-2016 Academic Year	Doe’s 7 <sup>th</sup> Grade Year <ul style="list-style-type: none"> <li>Doe attended middle school at Pennbrook Middle School</li> </ul>
2016-2017 Academic Year	Doe’s 8 <sup>th</sup> Grade Year <ul style="list-style-type: none"> <li>Doe attended middle school at Pennbrook Middle School</li> </ul>
January 6, 2016	While enrolled at a different middle school than Doe, P.B. was given a 3-day out of school suspension for inappropriate physical contact due to touching the thigh of two female students.
2017-2018 Academic Year	Doe’s 9 <sup>th</sup> Grade year <ul style="list-style-type: none"> <li>Doe was technically still enrolled in Pennbrook Middle School, but was participating as a full-time at North Montco (dual enrollment in their automotive program, with core courses online)</li> </ul>
2018-2019 Academic Year	Doe’s 10 <sup>th</sup> Grade Year



	<ul style="list-style-type: none"><li>• Doe and P.B. were placed in the same social studies class (Doe reported multiple incidents of sexual harassment and by P.B. during this time)</li><li>• From August 25, 2018-October 11, 2018, Doe was enrolled part-time at North Montco and part-time at North Penn High School</li><li>• September 2018 – Incident at the Upper Gwynedd Carnival in which Doe reported that P.B. assaulted her</li><li>• October 11, 2018 – the school discovered Doe and P.B. were in the same social studies class. Doe reported that P.B. was in her class and had sexually harassed her after she was moved from the class due to her poor academic performance</li><li>• October 15, 2018-end of year, Doe attended North Montco full-time online</li></ul>
2019-2020 Academic Year	Doe's 11 <sup>th</sup> Grade Year <ul style="list-style-type: none"><li>• Started in-person at Northbridge School – alternative school and took some classes online</li><li>• When COVID hit, attended Northbridge online program (home schooled)</li></ul>
2020-2021 Academic Year	Doe's 12 <sup>th</sup> Grade Year <ul style="list-style-type: none"><li>• Attended Northbridge online program (home schooled)</li></ul>

## V. Synopsis of the Case

Doe was a student at North Penn School District (“NPSD”) from 2010- 2021. She attended the following schools: Gwynedd Square Elementary (“Gwynedd”) 2010-2015, Pennbrook Middle School (“Pennbrook”) 2015-2017, North Montco 2018, North Penn High School (“North Penn”) 2018, and home schooling through the Northbridge Online Program (2019-2021).

### a. Background Information on Doe

Doe was molested by a teenager who was her neighbor when she was five (5) years old.<sup>2</sup> The teenager pled guilty to a violation of the law.<sup>3</sup>

### b. Elementary School

Doe had an Individualized Education Plan (“IEP”) throughout her academic career at NPSD. She was provided accommodations and met regularly to update her education plan. She described that she was diagnosed as having attention deficit disorder as early as age six or seven.<sup>4</sup>

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<sup>2</sup> Doe depo., p. 41-42.

<sup>3</sup> Mrs. Doe depo., 15.

<sup>4</sup> Doe depo., p. 21.Doe’s IEP and related services continued to be updated throughout her career with NPSD.

Doe met P.B. in third or fourth grade because he liked to “hang around” Doe’s friend.<sup>5</sup>

Ms. Garrett served as Doe’s case manager during her fifth and sixth grade years at Gwynedd.<sup>6</sup> During Doe’s fifth grade year, she was in a self-contained classroom taught by Ms. Garrett.<sup>7</sup> In sixth grade, Doe participated in full inclusion classrooms. P.B. was in class with Doe but was not on the IEP caseload with Ms. Garrett.<sup>8</sup> Ms. Garrett attended some full inclusion classes with the students, including Doe, on her caseload during Doe’s sixth grade year.<sup>9</sup> All of the special education students were in the same “cluster” and Ms. Garrett would follow the group of students around to their various classes.<sup>10</sup>

i. 2014 Sixth Grade Incident

On November 17, 2014, Doe and P.B. were in the same language arts class taught by Ms. Divver. Ms. Garrett was in the classroom that day, providing support for the students on her caseload. The students were participating in a group project.<sup>11</sup> It is unclear how Doe and P.B. were assigned as partners for the project.<sup>12</sup> Doe and P.B. sat at the same table to complete the project.<sup>13</sup>

While working on the project, Ms. Divver left the classroom to use the restroom.<sup>14</sup> Ms. Garrett was sitting at the front the classroom, working with students, when she noticed that Doe and P.B. had their hands under the table and believed they were holding hands.<sup>15</sup> Then, she saw P.B. start to put his hand up the front of Doe’s sweatshirt.<sup>16</sup> Ms. Garrett intervened immediately, thereby stopping P.B. just as he started putting his hand up Doe’s shirt.<sup>17</sup> Ms. Garrett called both students into the hallway and asked what they were doing. P.B. did not say anything and Doe denied that anything happened at all.<sup>18</sup> While Doe stated in her deposition that she felt terrified by P.B., she did not tell Ms. Garrett.<sup>19</sup> Ms. Garrett believed that Doe and P.B. were friends who were being playful with each other when the incident occurred, and P.B. and Doe continued playing together at recess even after the November 2014 incident.<sup>20</sup> Ms. Garrett recalls Doe running after P.B. at recess, trying to talk to P.B. and get his number.<sup>21</sup> These factors, coupled with her belief that Doe and P.B. were holding hands immediately prior to his attempt to put his hand up Doe’s shirt and

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* p. 27.

<sup>7</sup> Garrett depo., p. 37.

<sup>8</sup> *Id.* at 16.

<sup>9</sup> Bowen depo., p. 79-80.

<sup>10</sup> *Id.*

<sup>11</sup> Doe depo., p. 31.

<sup>12</sup> *Id.* at 32.

<sup>13</sup> *Id.*

<sup>14</sup> Garrett depo., p. 43.

<sup>15</sup> *Id.* at 41.

<sup>16</sup> *Id.* at 36.

<sup>17</sup> *Id.* at 139.

<sup>18</sup> *Id.* at 37.

<sup>19</sup> Doe depo., p. 36.

<sup>20</sup> Garrett depo., p. 47.

<sup>21</sup> *Id.* at 163-164.

Doe's denial that anything had happened when asked, Ms. Garrett believed the matter was consensual.

When a disciplinary incident occurred in a classroom, Gwynedd school policy involved the teacher creating a write up of the incident on a disciplinary form, and if it was a minor incident, the form would stay in a file with the student's homeroom teacher.<sup>22</sup> If a student had three minor incidents or one major incident, the form would go to the office for a referral with an administrator.<sup>23</sup> Ms. Garrett determined that the November 2014 incident was minor, because she thought the conduct was consensual and because she intervened before P.B.'s hand got far up Doe's shirt and she thought they were holding hands under the table.<sup>24</sup> She wrote up both students for the acts.<sup>25</sup>

Initially, Doe testified that the incident on November 17, 2014 was the first time that P.B. touched her. However, she later testified that she thought it happened a few times before and a few times afterward.<sup>26</sup> Doe stated that P.B. would walk up behind her "really closely so that like no one could see his arm and then he would try to put it under [her] shirt." She stated that she said, "dude stop" but also froze and didn't know what to do.<sup>27</sup> Doe did not tell anyone about these incidents either before or after November 17, 2014 until April 2015.<sup>28</sup>

ii. 2015 Incidents Involving P.B.

In April, 2015, two other students reported that P.B. inappropriately touched them.<sup>29</sup> Ms. Divver informed the administrators, after learning of the new reports that there was a prior incident, earlier in the academic year, with Doe and P.B.<sup>30</sup> An investigation immediately commenced by administrators including written statements from Ms. Divver, Ms. Garrett, and Ms. Kristin Vaszily, the Gwynedd guidance counselor.<sup>31</sup> On Monday, April 13th, the first school day after the reported harassment, Principal Bowen had a meeting with P.B. and his mother, in which P.B. admitted to the reported behaviors.<sup>32</sup>

Administrators informed Doe's mother, Mrs. Doe, about the incidents.<sup>33</sup> Mrs. Doe asked Doe whether P.B. had been touching her due to the fact that she was acting out and showing "anger

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<sup>22</sup> *Id.* at 71-72.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 139.

<sup>25</sup> *Id.*

<sup>26</sup> Doe depo., p. 36-37.

<sup>27</sup> *Id.* at 37.

<sup>28</sup> *Id.* at 39, 47.

<sup>29</sup> *Id.* at 47.

<sup>30</sup> Bowen depo., p. 78-80.

<sup>31</sup> *Id.* at 150; 04/15/2015 Written Statement from Principal Bowen, Bates DEF NPSD 001016; McCue Depo., p. 299, 309.

<sup>32</sup> 04/15/2015 Written Statement from Principal Bowen, Bates DEF NPSD 001016.

<sup>33</sup> *Id.*

issues” including punching a fourth-grade student.<sup>34</sup> Doe told Mrs. Doe that P.B. touched her inappropriately.<sup>35</sup>

Sargeant Ted Ciaola investigated the matter on behalf of the Upper Gwynedd Police Department, and the faculty and administration provided factual information regarding the incidents to Sgt. Ciaola and other law enforcement personnel to assist in their investigation.<sup>36</sup> Sgt. Ciaola suggested reaching out to Mission Kids, an organization that assists schools with incidents of sexual misconduct, but when the district offered the resource to the family, the Does declined the support.<sup>37</sup> There were no criminal charges as a result of the investigation.

iii. Gwynedd’s Response and Supportive Measures

After the reports were made regarding the 2015 incidents<sup>38</sup> Kristin Vaszily, the guidance counselor at Gwynedd, developed a safety plan, and P.B. and Doe were no longer in the same classes.<sup>39</sup> P.B. was under increased supervision by the teachers and administrators in the classroom and through the use of playground aids. Mr. Bowen and Ms. Vaszily reported behavior by P.B. to the Child Line. It is unclear whether this report to the Child Line included the incidents with Doe or only the other students who reported inappropriate touching.<sup>40</sup>

After a meeting between school administrators, P.B., and his parents, at which P.B. admitted to the conduct, NPSD suspended P.B. from school in April 2015.<sup>41</sup> The discipline included one day of out of school suspension and one day of in school suspension.<sup>42</sup> The discipline was noted in a letter to his parents from the school administrators and remained in his school file.<sup>43</sup>

Although a safety plan was in place, Ms. Garrett, Ms. Divver and other teachers witnessed Doe seek out P.B. at recess.<sup>44</sup> Despite teachers’ attempts to keep them apart, the entire sixth grade had recess together, and Doe tried to get P.B.’s number and would “run after” him at recess.<sup>45</sup> Ms. Divver wrote her observations regarding Doe’s attempts to make contact with P.B. in a note that she submitted to Mr. Bowen, the Gwynedd Principal.<sup>46</sup>

Doe was offered counseling as a supportive measure that included access to the guidance counselor at any time she should need it.<sup>47</sup>

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<sup>34</sup> Doe depo., p. 47.

<sup>35</sup> *Id.* at 46.

<sup>36</sup> Bowen depo., p. 104-105.

<sup>37</sup> *Id.* at 114.

<sup>38</sup> Doe depo., p. 58.

<sup>39</sup> Garrett depo., p.161-63.

<sup>40</sup> *Id.* at 102.

<sup>41</sup> Bowen depo., p. 187.

<sup>42</sup> *Id.* at 107. The discipline for P.B. was classified as an “obscene gesture.” Mr. Bowen is unsure why it was classified that way but it was, in fact, in response to the events related to Doe and the other individuals who brought forth allegations that P.B. was inappropriately touching them.

<sup>43</sup> *Id.* at 211.

<sup>44</sup> *Id.* at 161-63.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* This is contrary to Doe’s report that she did not see P.B. at all at Gwynedd after the report in April 2015.

<sup>47</sup> *Id.* at 125.

NPSD also disciplined Mrs. Garrett with a one-day suspension without pay for her failure to respond appropriately to the incident with Doe and P.B. in November 2014.<sup>48</sup> As a basis for the discipline, on June 3, 2015, the Title IX Coordinator/Human Resources Director, Cheryl McCue, wrote a memo in which she noted four ways in which Ms. Garrett's treatment of the November 2014 incident between Doe and P.B. was improper: 1) failure to report the incident to someone in authority; 2) improper questioning of the students; 3) assuming that the conduct was consensual; and 4) promising not to report the behavior if it was not repeated.<sup>49</sup> Ms. McCue summarized her memo by indicating that any "future concerns reflecting [Ms. Garrett's] failure to act in a professional manner and within the policies set forth in the school district will result in further disciplinary action up to and including a recommendation for termination."<sup>50</sup>

c. Middle School

Doe was zoned to attend Penndale Middle School, a NPSD school. Mrs. Doe, however, requested that Doe attend a different middle school, Pennbrook, to prevent her from going to school with P.B.<sup>51</sup> NPSD approved this request and NPSD provided bussing for Doe to attend Pennbrook. During seventh and eighth grades, Doe had no contact with P.B.<sup>52</sup>

d. High School

Doe wanted to attend NPSD school North Montco Technical School ("North Montco") part time in ninth grade to take automotive classes.<sup>53</sup> According to Doe, she knew that it was a possibility that she would see P.B. at North Montco, though she did not discuss that possibility with anyone.<sup>54</sup>

Doe saw P.B. at North Montco on the first day and was upset.<sup>55</sup> She told her mother, Mrs. Doe who was also upset. Mrs. Doe complained to NPSD and Central Office, and collectively she and Ms. LeBlanc, the principal at North Montco, determined that it would be best for Doe to attend North Montco full time.<sup>56</sup> Doe stated that this was, in part, due to the fact that it would help to keep her from seeing P.B. and also because it was a pilot program for ninth grade students to attend North Montco full time.<sup>57</sup> This full-time experience at North Montco required Doe to complete some of her core courses online.<sup>58</sup> She was provided a space at North Montco to complete her online coursework during the day.<sup>59</sup>

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<sup>48</sup> Garrett depo., 79-80, 111; Bowen depo., 182.

<sup>49</sup> 06/03/2015 Memorandum from Cheryl A.R. McCue to Holly Andrew (Garrett), Bates NPSD p. 1005.

<sup>50</sup> *Id.* at 1006.

<sup>51</sup> Mrs. Doe depo., p. 24, 27.

<sup>52</sup> Additionally, according to Mr. Bauer, P.B. allegedly touched the thigh of two unrelated individuals during his time at Penndale Middle School. Bauer depo., p. 285. P.B. was suspended from school for three (3) days for this contact in January 2016. This was documented in a letter to P.B. and his parents through a letter from Assistant Principal Jason Bashaw.

<sup>53</sup> Mrs. Doe depo., p. 34.

<sup>54</sup> Doe Depo., p. 76.

<sup>55</sup> *Id.* at 74, 83.

<sup>56</sup> Mrs. Doe depo., p. 42.

<sup>57</sup> Doe depo., p. 82. It appears as though this was not a pilot program, but instead a part of the supportive measures and safety plan for Doe.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

In addition, NPSD put a safety plan in place for Doe at North Montco to “help [her] try to avoid him in school.”<sup>60</sup> Doe described that she had a security guard wherever she went.<sup>61</sup> The guard was a female who walked with her between classes.<sup>62</sup> Mrs. Doe believed this security guard was best for Doe even though it made Doe anxious to have the security guard.<sup>63</sup> The security guard supported Doe until Doe started “fighting the safety plan” approximately a month after it was put in place.<sup>64</sup>

After her ninth-grade year, NPSD informed Doe that she would have to attend North Penn High School (“North Penn”) part time and North Montco part time for her tenth-grade year.<sup>65</sup> Initially, North Montco recommended that Doe attend North Penn full-time and no longer attend North Montco because of both academic and behavioral issues. North Montco recommended withdrawal of Doe from North Montco because of discipline issues, inappropriate behavior, not being where she was supposed to be during the school day, refusal to hand in work, and refusal to do work.<sup>66</sup> Specifically, during her ninth-grade year, Doe had at least eleven disciplinary referrals, more than thirty interventions, and included behaviors such as intruding on the personal space of others and cursing at staff and students.<sup>67</sup> Eventually, Doe was permitted to attend North Montco part-time for tenth grade, but Doe was not permitted to attend North Montco full-time any longer, at least in part because she was not following the safety plan.<sup>68</sup> Mrs. Doe and Doe were assured that North Penn would keep P.B. and Doe out of the same classes and that they would remain separated.<sup>69</sup>

The safety plan that was put in place in ninth grade with a security guard was not in place in tenth grade because Doe “didn’t want the safety plan in tenth grade.”<sup>70</sup> Regardless, prior to the start of her tenth-grade academic year, Ms. Small, the supervisor of special education at North Penn, checked the schedules of Doe and P.B. to confirm that they were not in any classes together.<sup>71</sup> Doe was assigned to a history/social studies class at North Penn.<sup>72</sup> Doe stated that three days into the class, P.B. became a student in that class and that P.B. and Doe were assigned seats next to each other.<sup>73</sup> It is unclear, from the perspective of NPSD, how this change occurred. From the NPSD viewpoint, it was a change in Doe’s schedule that placed Doe and P.B. in the same course.<sup>74</sup> The initial schedules for Doe and P.B. did not have them in the same class but during the drop/add

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<sup>60</sup> *Id.* at 83.

<sup>61</sup> *Id.* at 84.

<sup>62</sup> *Id.*

<sup>63</sup> Mrs. Doe depo., p. 43.

<sup>64</sup> Doe depo., p. 85.

<sup>65</sup> Mrs. Doe depo., p. 49.

<sup>66</sup> 05/13/2018 Email from Elizabeth Shine to Christine Kelly, Bates Doe 001385.

<sup>67</sup> *Id.*, 08/02/2018 Email from Elizabeth Shine to Juliet Matje, Christine Kelly, and Christina Reffner, Bates DEF NPSD 000636.

<sup>68</sup> Deitrich depo., p. 117.

<sup>69</sup> Mrs. Doe depo., p. 50; Doe depo., p. 97.

<sup>70</sup> *Id.* at 109.

<sup>71</sup> Bauer depo., p. 284.

<sup>72</sup> Doe depo., p. 101.

<sup>73</sup> *Id.* Since 2018, NPSD has added the ability to notate or put an alert on a student file that a student’s classes may not be changed without the permission of the principal, counselor, or assistant principal.

<sup>74</sup> Bauer depo., p. 285.



period, P.B.'s schedule was changed, and he was added to this history/social studies course with Doe.<sup>75</sup>

Doe did not tell the history teacher that she was uncomfortable or that she was not supposed to be in the same class as or near P.B.<sup>76</sup> Further, Doe did not tell her counselor, case manager, boyfriend, or family that P.B. was in her class.<sup>77</sup> Doe and P.B. were in a "friend group" of four people, including two others in the history/social studies class.<sup>78</sup>

P.B. and Doe were around each other often at North Penn. P.B. sat with Doe at lunch and they remained in the same friend groups, even outside of the history/social studies class.<sup>79</sup> In October, 2018, Doe was moved from the history/social studies class due to her poor grades in the course.<sup>80</sup> She had a forty-four (44) percent in the course and was being moved to in an attempt to help her be successful with more supports.<sup>81</sup> At that time, approximately two months after the touching reportedly occurred, Doe reported to her guidance counselor, Ms. O'Brien, that P.B. had been touching her inappropriately during the history/social studies class.<sup>82</sup> Doe stated that this inappropriate touching included times when P.B. and Doe were doing group work with other members in the class.<sup>83</sup> Once this was reported to Ms. O'Brien, the police were informed and a criminal investigation commenced, but there were ultimately no criminal charges against P.B. for any incidents in the tenth-grade classroom.<sup>84</sup>

After Mrs. Doe was informed about the allegations related to P.B., she refused to allow Doe to return to the school.<sup>85</sup>

Following Doe's October 2018 report, NPSD investigated the allegations against P.B. Mrs. Doe did not allow Doe to talk to the NPSD employees for the school investigation.<sup>86</sup> The police requested that NPSD hold off on their investigation while the police investigated.<sup>87</sup> NPSD agreed to the request by the police to pause their investigation for multiple reasons. First, NPSD respected the police department requested that NPSD pause their investigation so that the school would not impede with the criminal investigation. Second, Doe was unwilling to share information with NPSD so their investigation would have been futile at that time. Third, the school was unaware of the specifics of the events that Doe was alleging to have occurred due to the lack of participation by Doe. However, once the police informed the district that they could proceed without impeding the criminal investigation, NPSD ultimately continued with interviews of the potential witnesses.<sup>88</sup>

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<sup>75</sup> Mrs. Doe depo., p. 60.

<sup>76</sup> Doe depo., p. 103.

<sup>77</sup> *Id.* at 104-105.

<sup>78</sup> *Id.* at 107.

<sup>79</sup> *Id.* at 108.

<sup>80</sup> Bauer depo., p. 300.

<sup>81</sup> *Id.* at 301.

<sup>82</sup> Doe depo., p. 110, 117.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 129.

<sup>85</sup> Bauer depo, p. 301.

<sup>86</sup> *Id.* at 261.

<sup>87</sup> *Id.* at 275.

<sup>88</sup> *Id.* at 275-6.

Despite requests by NPSD, neither Doe nor Mrs. Doe filled out the “harassment form” provided by NPSD to include information about the allegations and initiate an investigation.<sup>89</sup> Dr. Bauer talked with Mrs. Doe to encourage her to provide additional details of what happened, stating that NPSD would be “happy to dive deeper.”<sup>90</sup> Even with the lack of information shared with the district from Doe or Mrs. Doe, NPSD initiated a limited investigation in an attempt to understand what occurred.

As part of its investigation, NPSD interviewed teachers, other students, and case managers. The students who were interviewed included students who were adjacent to Doe in the seating chart in the history/social studies class where NPSD understood the allegations to have occurred.<sup>91</sup> The students and employees had nothing to provide in the way of information related to the allegations and no information or evidence was able to be gathered.<sup>92</sup> A check of prior office referrals showed that P.B. had no prior office referrals or write ups as a high school student.<sup>93</sup> P.B. was not interviewed by the school in relation to the allegations by Doe due to the fact that Doe did not participate in the investigation and no information was able to be gained by other potential witnesses.<sup>94</sup>

After reporting the matter to Ms. O’Brien, in October 2018, Doe reported that she had no further contact with P.B.<sup>95</sup> Dr. Bauer discussed supportive measures and options moving forward with Mrs. Doe. Options provided included virtual school, another technical school, a school with therapy, and other suggestions Mrs. Doe provided to help Doe feel safe.<sup>96</sup> Ultimately, Doe decided to attend the Northbridge program which was a virtual academy.<sup>97</sup>

Doe transitioned back to North Montco full time to finish tenth grade.<sup>98</sup> The safety plan was updated and enforced.<sup>99</sup> Doe attended Northbridge High School, an alternative school at the beginning of eleventh grade, and states that she loved it and was thriving.<sup>100</sup> During the second semester of her eleventh grade year, after the COVID-19 shut down, Doe transitioned to the Northbridge/ home-schooling program where she finished her high school career.<sup>101</sup>

Doe was evaluated by a therapist provided by NPSD during high school but “was fighting it tooth and nail and chose not to continue meeting with the therapist.”<sup>102</sup>

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<sup>89</sup> *Id.* at 277.

<sup>90</sup> *Id.* at 280.

<sup>91</sup> *Id.* at 275.

<sup>92</sup> *Id.* at 262.

<sup>93</sup> *Id.* at 264-265.

<sup>94</sup> *Id.* at 267. Doe additionally reported in her deposition that P.B. assaulted her on a ride at the Upper Gwynedd Carnival, a non NPSD event, in September of her tenth-grade year.<sup>94</sup> The police were informed of the incident at the carnival but there were no criminal charges against P.B. for the contact at the carnival.

<sup>95</sup> *Id.*

<sup>96</sup> Bauer depo., p. 270-271.

<sup>97</sup> *Id.* at 271.

<sup>98</sup> Mrs. Doe depo., p. 66.

<sup>99</sup> *Id.* at 67.

<sup>100</sup> Doe depo., p. 134-136.

<sup>101</sup> *Id.*

<sup>102</sup> Mrs. Doe depo., p. 64.



During high school, Doe experienced additional struggles outside of and unrelated to the matters related to P.B. She struggled with academics, behavior, and self-harm.<sup>103</sup> Doe lived with her parents some of the time and with her sister for a portion of the time. This transition to living with her sister occurred because her parents were “a little hard to handle.”<sup>104</sup> Doe additionally felt threatened by her mother, Mrs. Doe. She asked for social services to be called by her psychologist, and they were ultimately contacted on her behalf.<sup>105</sup>

Administrators at NPSD continued to check in with Doe after she transitioned to Northbridge through Dr. Broxterman, her case manager, when she attended the virtual academy.<sup>106</sup> She reported being quite happy.<sup>107</sup>

## VI. NPSD Sexual Harassment Policies and Training

NPSD implemented various trainings and provided resource materials to faculty, staff, students, and their families.

### a. Employee Training

NPSD provided new employees, including Dr. Bauer, the employee handbook, including policies and procedures related to Title IX and sexual harassment during their new employee orientation.<sup>108</sup> Faculty and staff received training on how to report sexual harassment, how to call security, and where forms were located. While this was not expressly called Title IX training, it included how to address matters related to sexual harassment.<sup>109</sup> Administrators also received legal updates, including matters such as Title IX and sexual harassment at least once per year, and if there were Title IX updates, employees would be trained accordingly.<sup>110</sup> Additionally, employees of NPSD received Act 126 trainings that were online modules with an assessment since at least 2015.<sup>111</sup> The trainings of NPSD employees are tracked through Vector Solutions and administrators maintain records of completed trainings.<sup>112</sup> NPSD faculty and administration also complete Mission Kids Training, which provides professional development to Administrators on how to address incidents of sexual misconduct.<sup>113</sup>

In 2015, soon after Ms. McCue became the Title IX Coordinator, NPSD adopted a three-prong “responsibility structure.”<sup>114</sup> This structure was comprised of the director of school and community, the director of special education, and the director of human resources.<sup>115</sup>

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<sup>103</sup> Doe depo., p. 148.

<sup>104</sup> *Id.* at 155.

<sup>105</sup> *Id.* at 159.

<sup>106</sup> Bauer depo., p. 364-5.

<sup>107</sup> *Id.*

<sup>108</sup> Bauer depo., p. 29.

<sup>109</sup> *Id.* at 34.

<sup>110</sup> *Id.* at 90; McCue depo p. 63.

<sup>111</sup> *Id.* at 192-3.

<sup>112</sup> NPSD Vector Training Log.

<sup>113</sup> McCue depo., p. 376-377.

<sup>114</sup> McCue depo., p. 102.

<sup>115</sup> *Id.*

b. Title IX Coordinator Training and Responsibilities

Ms. McCue was NPSD's Director of Human Resources and the Title IX Coordinator.<sup>116</sup> Both Ms. McCue and the Assistant Director of Human Resources are certified Title IX Coordinators and attended trainings on Title IX.<sup>117</sup> Ms. McCue also received updates from the school district's solicitor via annual trainings, and with legal updates as necessary.<sup>118</sup> Point persons were designated throughout NPSD to support the role of the Title IX Coordinator.<sup>119</sup>

Dr. McCue did not, in her role as Title IX Coordinator, investigate matters of sexual harassment. She instead, oversaw the process to determine how it was investigated, if it resolved appropriately, whether authorities were contacted, and whether students were properly supervised.<sup>120</sup>

As Title IX Coordinator, each month Ms. McCue attended administrative meetings of all administrators in the district, which included breakout sessions by department.<sup>121</sup> Additionally, the Title IX Coordinator visited each school in the district during the month and conducted building walks. During the school visits Dr. McCue discussed current events and any developments related to Title IX.<sup>122</sup> The Title IX Coordinator also attended faculty meetings in each building and attended PTA meetings.<sup>123</sup>

c. Student and Parent/Guardian Information

Students and parents/guardians at NPSD were provided with information about how to report sexual harassment or sexual misconduct in the student handbook, which included Policy 5150.<sup>124</sup> The information went to each student in the "back to school mailing."<sup>125</sup>

d. Policy

The current NPSD sexual harassment policy is Policy 103 which was put in place in 2020.<sup>126</sup> Prior to the implementation of Policy 103, NPSD used Policy 5150 to set forth the procedures for reporting, investigating, interviewing, reaching a disposition related to a complaint of harassment, and the review procedure.<sup>127</sup> Policy 5150 also included a robust definition of harassment and

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<sup>116</sup> *Id.* at 201.

<sup>117</sup> *Id.* The Title IX Coordinator position transitioned from responsibility of the Director of Human Resources to the Assistant director of Human Resources in 2019.

<sup>118</sup> McCue depo., p. 29.

<sup>119</sup> *Id.* at 60.

<sup>120</sup> *Id.* at 89.

<sup>121</sup> McCue depo., p. 22-23.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 197.

<sup>125</sup> *Id.*

<sup>126</sup> Policy 103 was adopted in November 2020 and updated in April 2021. Policy 103 sets forth the district's policy on the types of incidents to report to the Title IX Coordinator. Policy 103 directs faculty and staff who witness incidents of sexual harassment, gender discrimination, or inappropriate contact to report said conduct. The principal or assistant principal is to receive the initial report, and the principal then reports the incident to the Title IX Coordinator.

<sup>127</sup> NPSD Administrative Regulations, Bates No. DEF NPSD 001044-001051.

prohibited retaliation for reporting harassment.<sup>128</sup> Specifically, the policy defined harassment as: “verbal, written, graphic or physical conduct relating to an individual’s race, color, religion, ancestry, sex, national origin/ethnicity, age, and/or disability.”<sup>129</sup> According to Policy 5150, conduct rose to the level of harassment when it:

1. Is sufficiently severe, persistent, or pervasive that it affects an individual’s ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening, or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance.
3. Otherwise adversely affects an individual’s learning opportunities.<sup>130</sup>

Further, the policy highlighted conduct that constitutes sexual harassment in relevant part as:

unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, visual, written, graphic, or physical conduct of sexual nature when...[t]he conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of substantially interfering with the individual’s academic performance, or of creating an intimidating, hostile, or offensive educational environment.<sup>131</sup>

The policy also included extensive examples as to what types of behavior might include sexual harassment.<sup>132</sup> Policy 5150 outlined the procedure for reporting harassment as:

Any student who feels he/she has been a victim of harassment should immediately report the alleged harassment to a teacher, nurse, counselor, administrator, or the district’s compliance officer, in order to commence a complaint in accordance with administrative regulation #5150. Each complaint will be carefully investigated by the compliance officer or designee, and all findings documented in writing. All information obtained will be held in the strictest confidence and will be discussed only on a need-to-know basis to investigate the matter.

Any action taken as a result of the investigation will depend upon the facts of each case. Disciplinary actions, if applicable, may range from a warning to expulsion for students, and from a warning to termination for employees.<sup>133</sup>

Policy 5150 included a Student Harassment Report Form to be used when harassment was reported by a student.<sup>134</sup> Additionally, Administrative Regulation 4316 set forth the procedures for the district compliance officer to follow in investigating and resolving a complaint of harassment.<sup>135</sup>

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<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

Title IX policies and procedures were updated as federal guidance and Dear Colleague letters were published, including in the 2015 school year.<sup>136</sup>

Additionally, forms were created by NPSD to be filled out when there was an allegation of sexual harassment.<sup>137</sup>

## VII. Legal Standard and OCR Guidance

It is undisputed that NPSD is subject to Title IX<sup>138</sup> and therefore prohibited from allowing sexual harassment in its programs or activities.

Title IX is primarily enforced in two ways: (1) through lawsuits against districts alleging a violation of Title IX and (2) by federal agencies that provide funding to districts.

The Office for Civil Rights of the Department of Education (“OCR”) is the federal agency that investigates and administratively enforces Title IX as it relates to sexual harassment. In 2001, OCR published in the Federal Register a document entitled “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.” The revised guidance reaffirmed the compliance standards that OCR applies in investigations and administrative enforcement of Title IX.

OCR subsequently issued guidance documents in the form of Dear Colleague Letters (“DCL”) and Q&As. The guidance documents were characterized as “significant” and OCR stated that they were issued to provide recipients with information to assist school in meeting their obligations.<sup>139</sup>

In 2011, OCR issued a DCL (“2011 DCL”) that supplemented the 2001 guidance “by providing additional guidance and practical examples regarding the Title IX requirements as they relate to sexual violence.” This guidance included proactive efforts schools could take to prevent sexual harassment and provided examples of remedies schools should use to “end such conduct, prevent its recurrence, and address its effects.”<sup>140</sup>

In 2014, OCR issued Questions and Answers on Title IX and Sexual Violence. The Q&A served as additional guidance to assist schools with their Title IX obligations, including clarifying legal requirements and guidance contained within the 2001 Guidance.<sup>141</sup>

In 2015, OCR issued a DCL on Title IX Coordinators. The DCL served as a reminder that schools must designate at least one employee to coordinate its Title IX efforts (the “Title IX Coordinator”) and included information on the roles and responsibilities of a Title IX Coordinator.<sup>142</sup>

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<sup>136</sup> *Id.* at 65.

<sup>137</sup> *Id.*

<sup>138</sup> Title IX of the Education Amendments of 1972, § 20 U.S.C. 1681 *et seq.*

<sup>139</sup> 2014 DCL, Footnote 1.

<sup>140</sup> OCR Dear Colleague Letter issued April 4, 2011.

<sup>141</sup> OCR Questions and Answers on Title IX and Sexual Violence issued April 29, 2014.

<sup>142</sup> OCR Dear Colleague Letter issued April 24, 2015.

In 2017, OCR rescinded the 2011 and 2014 guidance and issued a new Q&A (2017 Q&A).<sup>143</sup> The 2017 Q&A, 2015 DCL and 2001 guidance were in place at the time of the incidents in this matter.<sup>144</sup> The totality of OCR guidance and resolution letters up to that time informed industry standard for Title IX compliance for districts and were the basis for decision making and industry standard during the time they were in effect.

OCR standards for districts as set forth in its guidance is higher than and distinguishable from the standard set forth by the Courts in a civil lawsuit alleging a violation of Title IX. The leading Supreme Court cases impacting school liability under Title IX are *Gebser v. Logo Vista* and *Davis v. Monroe County*. In order to succeed in a lawsuit alleging a violation of Title IX, a plaintiff must show that the district had actual notice of and was deliberately indifferent to the alleged sexual misconduct.

The Supreme Court's decisions set forth a high threshold for a plaintiff seeking damages against a district based on its response to sexual harassment. In *Gebser*, the court held that "a school can be liable for money damages if a teacher sexually harasses a student, an official who has authority to address the harassment had actual knowledge of the harassment, and that official is deliberately indifferent in responding to the harassment."<sup>145</sup> In peer to peer cases, for an district to avoid liability for "deliberate indifference," it need not expel the harassers, engage in any particular disciplinary action, or remedy the peer harassment.<sup>146</sup> The district need only respond to known peer harassment in a manner that is not "clearly unreasonable in light of the known circumstances."<sup>147</sup> "This is not a mere 'reasonableness' standard," rather it is a question as to whether the actions were clearly unreasonable. Moreover, the Court in *Davis* emphasized that "courts should refrain from second-guessing the disciplinary decisions made by school administrators [citations omitted]."

Thus, in order to determine if a district's conduct was deliberately indifferent, the question is not whether the process employed by the district was the best possible process, whether the process satisfied OCR's guidance or even whether the district failed to follow its own procedures. The question is whether the district's actions were "clearly unreasonable in light of the circumstances."

## VIII. Opinion

- a. NPSD's response to reported incidents between Doe and P.B was not deliberately indifferent or clearly unreasonable in light of the known circumstances, and was compliant with industry standards.***

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<sup>143</sup> OCR Q&A on Campus Sexual Misconduct issued September of 2017.

<sup>144</sup> As of the date of this report, all of OCR's guidance has been archived due to the new Title IX regulations enacted and effective on August 14, 2020. See 34 CFR Part 106.

<sup>145</sup> *Gebser v. Logo Vista Ind. School Dist.*, 524 U.S. 274 (1998), at 280-293.

<sup>146</sup> *Davis v. Monroe County*, 526 U.S. 629 (1999), at 648.

<sup>147</sup> *Id.* at 648-50.

- i. NPSD's Initial Response to the November 2014 incident was not clearly unreasonable in light of the circumstances and was compliant with industry standards.

NPSD's initial response to the November 2014 incident was not clearly unreasonable in light of the circumstances and was compliant with industry standards.

Based on the information provided for my review, the behavior witnessed by Ms. Garrett, including P.B.'s hand partially up Doe's shirt, was initially believed to be consensual. Ms. Garrett immediately addressed and halted the contact between P.B. and Doe. She discussed the events she witnessed with Doe, who denied any contact, and P.B. who did not comment. Ms. Garrett then told Doe and P.B. that the behavior should not occur again, and she wrote both students up in a behavior report, classified as a minor report, and provided the report to Ms. Divver, the regular education teacher.

There was nothing to indicate to Ms. Garrett at the time that the behavior was nonconsensual. Doe did not tell her when she was asked about the contact. Further, Doe did not tell anyone that the act was nonconsensual or report any other behavior by P.B. until the issue was brought up in April 2015. Thus, Ms. Garrett's response to the matter was reasonable at the time.

In retrospect, Ms. Garrett realized, based on the type of contact between Doe and P.B., that she should have referred the matter directly to administrators as a major violation. Ms. Garrett was disciplined for her error, as further discussed in section V.b.iii. Even though she was under the impression that the behavior was consensual and did not believe it to be sexual harassment, she nonetheless took action to eliminate the behavior and address its effects. This action included calling the students into the hallway, drafting a behavior write up, and informing the students not to commit similar behavior moving forward.<sup>148</sup>

The actions by Ms. Garrett with respect to the incident, combined with NPSD's corrective action of Ms. Garrett for her error in reporting, demonstrate that NPSD's response was not clearly unreasonable. Moreover, these actions were consistent with industry standard.

- ii. NPSD's response to reported 2015 incidents and beyond were not clearly unreasonable in light of the circumstances and were compliant with industry standards.<sup>149</sup>

NPSD's response to reported incidents involving P.B., once reported in 2015, were not clearly unreasonable in light of the circumstances and not only complied with, but exceeded industry standards.

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<sup>148</sup> OCR Dear Colleague Letter issued April 4, 2011 provided guidance that a schools should take immediate action to eliminate the harassment, prevent its recurrence, and address its effect.

<sup>149</sup> The OCR guidance in effect at the time of the 2015 report by Doe included the 2001 Revised Sexual Harassment Guidance, the 2011 Dear Colleague Letter, the 2014 Q & A, and the 2015 Dear Colleague Letter that was effective April 24, 2015.



In April 2015, another student reported that P.B. sexually harassed her. At that time, Ms. Divver reported what she knew of the prior behavior, including the 2014 behavior report, between P.B. and Doe to administrators. An investigation was launched into the 2014 behavior, including interviews and written statements by Ms. Divver and Ms. Garrett. Ms. Doe was contacted by school administrators, and supportive measures and remedies were provided as discussed below. At the time of the incidents and investigation, there were no specific requirements under OCR guidance as to the necessary steps in a sexual harassment investigation. Once the school was on notice of the alleged nonconsensual sexual contact, NPSD conducted a prompt, thorough and impartial investigation.

NPSD appropriately responded to allegations related to P.B. and Doe in 2015 and beyond by providing supportive (interim)<sup>150</sup> measures, remedies, and utilizing a grievance process for investigation and resolution as follows:

Elementary School (sixth-grade)

- NPSD immediately investigated the matter in 2015 once it was aware of potential nonconsensual sexual contact.
- NPSD immediately created a safety plan for Doe which evolved as Doe transitioned through middle and high school.
- P.B. received appropriate student discipline for the matters involving Doe and other students including a day out of school suspension and a day in school suspension.
- NPSD removed P.B. from classes with Doe and other students who alleged sexual harassment at Gwynedd. Doe stated that P.B. was “hidden from them.”
- NPSD placed P.B. under increased supervision by teachers and administrators at Gwynedd.
- NPSD administration explained criminal options to Doe and her family, and a report was made to the police and Child Line. The family was provided information about Mission Kids but declined this supportive option.
- NPSD documented Doe’s attempted to seek out P.B. at school recess at Gwynedd.
- NPSD disciplined Ms. Garrett with a one-day suspension without pay for her failure to respond appropriately. This served as disciplinary action and a remedy to instruct and remind Ms. Garrett of the way to appropriately respond in the event that a similar situation occurred in the future.

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<sup>150</sup> The term under the current Title IX regulations implemented in 2020 is supportive measures. Prior to 2020, these supportive actions were called “interim measures” and were required to be provided prior to and during an investigation. Specifically, per the 2015 (and later 2017) guidance, “Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.”

- NPSD offered Doe counseling services which included access to the guidance counselor at any time at Gwynedd.

#### Middle School

- NPSD provided Doe with the opportunity to attend Penndale Middle School, a different middle school than the one she was zoned for, in order to prevent her from attending school with P.B. NPSD also provided bus services to Doe so that she could attend Penndale.

#### High School (ninth-grade)

- NPSD updated Doe's safety plan when Doe and P.B. transitioned to high school.
- As a part of the safety plan, North Montco provided Doe with a security guard to escort her between classes though Doe started "fighting the safety plan" including the services provided by the guard, a month after it was put in place.
- NPSD provided Doe with the opportunity to attend North Montco Technical School full time as a ninth-grade student, though this was not generally an option for ninth graders.
- Even after Doe failed to follow the safety plan, performed poorly in her academics, and had disciplinary issues, NPSD allowed Doe, at her and Mrs. Doe's request, to continue part-time at North Montco for the start of her tenth-grade year. She attended North Penn for the remainder of the day.
- North Montco, in collaboration with NPSD, offered to continue the safety plan in place during Doe's tenth-grade year, but Doe did not want it to remain in place.
- Prior to the start of the 2018-2019 academic year, Doe's tenth-grade year, Ms. Small checked the schedules of both Doe and P.B. to confirm that they did not have overlapping schedules. At the time she checked the schedules, approximately a week prior to the start of school, Doe and P.B. did not have any overlapping classes.<sup>151</sup>

This cumulative response by NPSD was reasonable in light of the circumstances and exceeded industry standard for supportive services to be provided during the time period. In fact, interim measures exceeded the time frame for required support which, at the time, was prior to and during an investigation. In the case of Doe, the interim measures and support continued indefinitely, over the span of Doe's education with the district. Moreover, NPSD continued to interact with Doe and Mrs. Doe, provided every support requested by Doe and Ms. Doe, and also provided additional options for support that were created by NPSD administrators. All of these actions by NPSD allowed Doe to continue to have access to NPSD's education, program and activities and were beyond that required by industry standard at that time.

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<sup>151</sup> It was later determined that a change to the schedule of Doe or P.B. created a situation where their schedules overlapped as fully explained in section V.d.



- iii. NPSD's response to the 2018 allegations of sexual harassment by Doe against P.B. were not clearly unreasonable in light of the circumstances and were consistent with industry standards.<sup>152</sup>

NPSD's response to reported incidents involving P.B., once reported in 2018, were not clearly unreasonable in light of the circumstances and were consistent with industry standards.

In October 2018, approximately two months after school started, Doe reported to her guidance counselor that P.B. was in her history/social studies class, sat next to her, and sexually harassed her. The report was made after Doe was informed that she was going to be moved from the course due to her poor academic performance, and it was the first time the school was on notice of additional allegations of sexual harassment by P.B. toward Doe. It is unclear from the record exactly what changed with Doe's schedule or P.B.'s schedule to allow them to be placed in the same course since Ms. Small had previously evaluated their schedules to check for overlap; however, Doe did not inform the administrators, teachers, counselors, or even her parents of the overlap. It is clear from the prior and subsequent actions by NPSD that the district would have made immediate change if they had been informed that Doe and P.B. were in the same course. As a result of this matter, NPSD developed a plan to include an alert in the future before changing the schedules of individuals who may not be permitted to attend the same classes.

NPSD immediately notified law enforcement and authorities regarding the reported behavior by P.B. against Doe. Mrs. Doe was contacted by school administrators, and supportive measures and remedies were provided as discussed below. At the time of the incidents and investigation, there were no specific requirements under OCR guidance as to the necessary steps in a sexual harassment investigation. No charges were ultimately pursued by law enforcement for the allegations from within NPSD or the additional allegations of sexual harassment made by Doe against P.B. from the non-school affiliated carnival. Once the school was on notice of nonconsensual sexual contact by P.B. in 2018, the response was prompt, thorough and impartial.

NPSD appropriately responded to allegations related to P.B. and Doe in 2018 and beyond by providing supportive (interim)<sup>153</sup> measures, remedies, and utilizing a grievance process for investigation and resolution as follows as follows:

---

<sup>152</sup> At the time of the 2018 report by Doe, OCR had issued the September 2017 Q & A which rescinded the 2011 and 2015 OCR guidance. Thus, the only guidance remaining was the 2001 Revised Sexual Harassment Guidance and the 2017 Q & A.

<sup>153</sup> The term under the current Title IX regulations implemented in 2020 is supportive measures. Prior to 2020, these supportive actions were called "interim measures" and were required to be provided prior to and during an investigation. Specifically, per the 2015 guidance, "Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations."

- Immediately, upon being placed on notice of the allegations by Doe, NPSD reported the allegations to law enforcement.
- Even though Mrs. Doe refused to allow Doe to participate in the school investigation or provide specifics of the allegations and failed to sign the harassment forms requesting and agreeing to an investigation as suggested by NPSD policy, NPSD continued an investigation with the limited information it possessed. The investigation was delayed for a limited period of time at the request of law enforcement so as not to interfere with the criminal investigation. Once police informed NPSD that the school investigation would no longer impede the criminal matter, NPSD interviewed students who sat near Doe and P.B. in the social studies/history class, teachers, and counselors in an attempt to gather information for the investigation. These attempts were futile due to NPSD's limited understanding of the allegations and Mrs. Doe's refusal to allow Doe to participate. However, as suggested by OCR guidance, all reasonable steps to investigate and respond to the reported conduct were undertaken by NPSD.
- NPSD transferred Doe back full time to North Montco as a supportive measure.
- NPSD updated and enforced the safety plan in place including enhanced security for Doe, and the requirement that she comply with the plan.
- P.B. and Doe had no further contact.
- NPSD provided Doe with several options for schooling for her eleventh and twelfth grade academic years. She ultimately decided to attend Northbridge and participated in the virtual academy. Doe reported this as a good experience.
- NPSD provided Doe with access to NPSD counselors, though she did not utilize the services.
- Doe's case manager routinely checked in on Doe even after her transition to the Northbridge and virtual learning.

***b. NPSD Substantially Complied with OCR Guidance by Providing Training for the Title IX Coordinator, Employees, Students, and Parents and Publishing a Non-Discrimination Statement and Policies and Procedures***

The training for the Title IX Coordinator, employees, students and parents by NPSD substantially complied with OCR Guidance and industry standards during the time period at issue.

i. Title IX Coordinator.

As expected in OCR guidance, NPSD identified a Title IX Coordinator, Dr. McCue, who received training from both the solicitor and external sources. The training was consistent with industry standard at the time. NPSD continued to update the requirements of the Title IX Coordinator as OCR guidance was updated including in 2015 and 2020. The training for the Title IX Coordinator was substantially compliant OCR guidance and consistent with industry standards during the time period at issue.

ii. Employees.

During the time of the reports related to Doe and the response by NPSD, OCR provided limited information related to how employees should be trained or details as to what was required to be in the training. OCR advised that training should include “how to identify and report sexual harassment” and violence and that it should be “...provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school law enforcement unit employees, school administrators, school counselors, general counsels, health personnel, and resident advisors.”<sup>154</sup>

NPSD substantially complied by providing online training modules, in person professional development, and providing copies of the policies and grievance procedures. Additionally, NPSD tracked the completion of the training. This was consistent with industry standards and compliant with OCR guidance during the time period at issue.

iii. Students and Parents/Guardians.

As expected in the relevant guidance at the time of the events, NPSD disseminated a notice of non-discrimination. This was provided to students and families through the mailer that was sent to students and families in “back to school mailing” before the start of the academic year. Additionally, this was placed on the school website.

Districts are not required to train parents or students on Title IX or sexual harassment. In fact, while school districts are slowly starting to add this to curriculum for students and parents, it is not required under the current 2020 Title IX Regulations. It was nearly unheard of for schools to train students and parents on sexual harassment and Title IX between 2014 and 2020. The mailer and posting by NPSD substantially complied with OCR guidance and was consistent with industry standards during the time period at issue.

iv. Policies and Procedures.

NPSD complied with the requirements and guidance from OCR related to grievance procedures during the 2014-2020 by publishing their grievance process for the prompt and equitable resolution of complaints of sex discrimination, including sexual misconduct in Policy 5150 and Administrative Regulation 4316. Policy 5150 also included a prohibition on retaliation for reporters of sexual harassment.

The NPSD policies and procedures substantially complied with OCR guidance and was consistent with industry standards during the time period at issue.

IX. Summary of Opinions and Conclusion

Throughout Doe’s time with NPSD, NPSD responded reasonably to the issues brought to its attention related to Doe and P.B. While I acknowledge that the response by NPSD was not perfect, perfection is not the standard. Doe was not denied access to her education, program or activities. In fact, NPSD complied with every request and created safety plans to ensure Doe maintained that access in a safe environment.

---

<sup>154</sup> 2011 OCR Dear Colleague Letter.

Prior to April 2015, NPSD was not on notice of allegations of sexual harassment by P.B. related to Doe. The behavior, to that point, was believed to be consensual acts between two sixth grade students. Doe did not report it otherwise. While I acknowledge that it would have been a more efficient response if Ms. Garrett provided a behavior report for a “major incident,” NPSD later disciplined Ms. Garrett for her lack of reporting the concern as a “major incident” and failure to follow district required reporting protocols for inappropriate behavior. It ultimately remains evident that in November 2014, Ms. Garrett was not aware that the behavior was potentially sexual harassment due to the consensual appearance and responses by Doe and P.B. As soon as NPSD realized that there was potential sexual harassment involved, supportive measures were provided, Doe’s parents were contacted, and an investigation was launched. This ultimately resulted in disciplinary sanctions against P.B. and a significant safety plan was put in place for Doe. These interim measures continued far longer than was required by guidance during the time period at issue.

Significant supports and interim measures continued to be provided by NPSD for Doe through middle school and high school. I acknowledge that when Doe was in tenth grade, an error was made that allowed P.B. and Doe to participate in the same social studies/history class. However, it is imperative to note that Doe did not report this overlap and oversight to anyone at the school despite acknowledging she had close relationships with her support professionals. She continued to sit next to P.B. and interact with him both in and outside of the social studies/history class despite her understanding that he was not to be in class with her. It is clear, though, that as soon as NPSD was on notice of the class overlap and alleged sexual harassment, NPSD responded efficiently by notifying law enforcement, investigating, and providing continued support and safety for Doe throughout the remainder of her high school experience.

It is certainly unfortunate that Doe had a negative experience at school with P.B., and that she experienced struggles in her life inside and outside of school. However, my review of the facts and records in this case lead me to the expert opinion that NPSD was not deliberately indifferent in its response to incidents involving Doe before, during, or after the initial November 2014 incident. Further, NPSD substantially complied with OCR guidance and was consistent with industry standards in their response to Doe's allegations.

#### X. Additional Items

To date, discovery in this case is not complete. I reserve the right to supplement this report based on a review of any future discovery. I also reserve the right to supplement this report with additional exhibits.

Office for Civil Rights guidance relied on in this report are found at:

<https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>

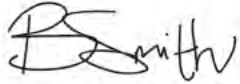
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>

<https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

Expert Opinion Report/*Doe v. North Penn School District*  
Betsy B. Smith

<https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

A handwritten signature in black ink, appearing to read "B. Smith", positioned above a horizontal line.

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Betsy B. Smith  
March 17, 2022

## Betsy B. Smith – Attorney and Consultant

### Education

J.D. – The University of  
Tennessee College of Law

B.A. The University of Tennessee,  
Knoxville

### Certifications

Licensed to Practice Law,  
Tennessee  
Trained Title IX Investigator

### Affiliations

Knoxville Bar Association  
Tennessee Bar Association

### Trainings/Experience

Forensic Interviewing

Ms. Smith has over ten years of experience conducting investigations and training, including five years in a criminal setting and five years in a higher education environment. During her time working for a university, she served as a Deputy Title IX Coordinator for investigations, lead Title IX investigator, and supervisor of campus Title IX investigations and adjudications. While serving as an assistant district attorney she specialized in interpersonal violence cases, including domestic violence, sexual assault, and child abuse matters. She provides a unique understanding of the complexities related to Title IX investigations involving children and young adult as well as compliance expectations on school districts and institutions.

### Relevant Project Experience

#### **Senior Investigator/Consultant, Institutional Compliance Solutions.**

Ms. Smith joined the ICS team in October 2019. Since joining she has taken the lead role for K-12 School District related trainings and consultations. She has created and presented over fifteen distinct trainings for school districts and institutions related to Title IX. She has written policies that are compliant with the new Title IX Regulations. She has served as an external investigator for compliance related matters.

**Director, Student Conduct & Community Standards, Deputy Title IX Coordinator- The University of Tennessee, Knoxville.** As director of Student Conduct & Community Standards, Ms. Smith developed a student focused model that significantly decreased investigation timelines while increasing the thoroughness of investigations and adjudications. She worked with faculty, staff, and students to provide a process based on national best practices. Ms. Smith served on the Campus Threat Assessment Team, Case Management (CARE) Team, Sexual Assault Response Team, and Division of Student Life Leadership Team. She was instrumental in updating a new code of conduct, and Title IX policy for the University. She worked closely with the Office of the General Counsel, local and campus police departments, Title IX Office, and Office of Equity and Diversity to streamline and coordinate prevention and response to reports of serious misconduct including, but not limited to, Title IX and hazing.

**Assistant District Attorney General- Blount County, Tennessee.** In her role as Assistant District Attorney, Ms. Smith was charged with prosecuting all crimes within the jurisdiction. This included a focus on domestic assault and related crimes, as well as sexual assault and child sex crimes. During her time as a prosecutor, she worked closely with law enforcement to ensure that investigations were thorough, timely, fair, and impartial. She advocated



	for swift and just prosecution when supported by the evidence through jury trials, preliminary hearings, motion hearings, and depositions.
--	--

### Speaking, Training, and Events

#### **Virtual Title IX Care and Support Administrator Training (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2022

#### **Responding to Dating and Domestic Violence, Title IX (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2021

#### **Virtual Title IX Coordinator Training (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | Summer and Fall 2020, 2021, 2022

#### **Virtual Title IX Investigator Training Level 1 (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Virtual Title IX Investigator Training Level 2 (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Virtual Title IX Decision-Maker Training Level 1 (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Virtual Title IX Decision-Maker Training Level 2 (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Virtual Title IX Informal Resolution Facilitator Training (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Virtual Title IX Advisor Training (Higher Ed)**

*Institutional Compliance Solutions* | Virtual | 2020, 2021, 2022

#### **Putting Policy into Practice, Title IX (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | 2021

#### **Breakdown and Implementation of the New Title IX Regulations (Higher Ed and K-12)**

*Institutional Compliance Solutions* | Virtual | Summer 2020

Expert Opinion Report/*Doe v. North Penn School District*  
Betsy B. Smith

**An Overview of the New Title IX Regulations and Their Implications for Colleges and Universities**

*Institutional Compliance Solutions* | Virtual | May 2020

**An Overview of the New Title IX Regulations and Their Implications for K-12 School Districts**

*Institutional Compliance Solutions* | Virtual | May 2020

**Title IX in a COVID-19 World Part IV**

*Institutional Compliance Solutions* | Virtual | May 2020

**Title IX in a COVID-19 World Part III**

*Institutional Compliance Solutions* | Virtual | April 2020

**Title IX in a COVID-19 World Part II**

*Institutional Compliance Solutions* | Virtual | April 2020

**Recognizing and Responding to Stalking**

*Institutional Compliance Solutions* | Virtual | April 2020

**Title IX in a COVID-19 World Part I**

*Institutional Compliance Solutions* | Virtual | April 2020

**Virtual Certified Title IX Investigator Training Level 1**

*Institutional Compliance Solutions* | Virtual | April, May 2020

**Title IX Coordinators**

*Institutional Compliance Solutions* | Virtual | April, May 2020

**Hot Topics in Title IX Conferences**

*Institutional Compliance Solutions* | Chattanooga, TN | March 2020

**Three Tips to Track Title IX Patterns and Trends**

*Institutional Compliance Solutions* | Virtual | February 2020

**Title IX Training- Athletics**

*Institutional Compliance Solutions Webinar* | Virtual | October 2019

**Know Your Role: Title IX Coordinators**

*Institutional Compliance Solutions Webinar* | Virtual | October 2019

**Back to School: When a Student Misbehaves**

*Knoxville Bar Association* | Knoxville, TN | August 2019



Expert Opinion Report/*Doe v. North Penn School District*  
Betsy B. Smith

**Building a Student Focused Title IX Process**

*Law Enforcement Innovation Center | Knoxville, Oak Ridge, Chattanooga, TN | 2018-2019*

**Investigative Report Writing**

*Law Enforcement Innovation Center | Knoxville, Oak Ridge, Chattanooga, TN | 2018-2019*

**Title IX- Creating Stability when the Current is Changing**

*Association of Student Conduct Administrators | Jacksonville, FL | February 2019*

**Training a Conduct Board for Title IX Cases**

*Title IX Summit | Knoxville, TN | April 2018*

**Collaborative Partnerships and Creating Sustainability in Conduct Offices**

*Association of Student Conduct Administrators | Jacksonville, FL | February 2018*

**Collaborative Partnerships and Creating Sustainability in Conduct Offices**

*Southern Association for College Student Affairs | Chattanooga, TN | October 2017*

**Training a Board, Creating an Academic Course to Train Student Board Members**

*Association of Student Conduct Administrators | Jacksonville, FL | February 2017*

Appendix B:

Items reviewed by Betsy Smith in preparation of Expert Report

1. Complaint
2. Answer
3. Plaintiff's Discovery Responses and document productions
4. Defendant's Discovery Responses and document productions
5. Medical Records of Plaintiff (North Penn Pediatrics, Sean Homsher, MEd, NCC, LPC, Tracie Millar LCSW)
6. North Montco Tech Career scholastic records of Plaintiff
7. North Penn School District scholastic records of Plaintiff
8. NPSD school file for [REDACTED]
9. Holly Andrew-Garret suspension file
10. NPSD Administrative Regulations 5150(a)-(e) Student Harassment
11. NPSD School Board Policy 5150(a)-(c) Student Harassment
12. Deposition Transcript of Todd Bauer
13. Deposition Transcript of William Bowen
14. Deposition Transcript of Holly Garrett
15. Deposition Transcript of Kathryn Smith
16. Deposition Transcript of Curtis Dietrich
17. Deposition Transcript of Kira O'Brien
18. Deposition Transcript of Dawn LeBlanc
19. Deposition Transcript of Cheryl McCue
20. Deposition Transcript of [REDACTED]
21. Deposition Transcript of [REDACTED]
22. Deposition Transcript of [REDACTED]
23. Plaintiff's Expert Report Dr. Charol Shakeshaft
24. Plaintiff's Expert Report Dr. Vernoique Vallerie

# EXHIBIT “J”

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                               -   -   -

4  
5           JANE DOE,                               :  
            Plaintiff,                            :  
  :  
6           v.                                    :  
  :  
  :  
7           NORTH PENN SCHOOL                   :  
            DISTRICT,                           :  
8           Defendant.                           :

9                               -   -   -

10                           August 26, 2021

11                               -   -   -

12  
13                               Remote videotaped deposition  
14           of TODD BAUER, taken pursuant to notice,  
15           was conducted at the location of the  
16           witness, beginning at 10:01 a.m., on the  
17           above date, before Ben Pieczynski, Jr., a  
18           Professional Reporter and Notary Public  
19           for the Commonwealth of Pennsylvania.

20                               -   -   -

21                               GOLKOW LITIGATION SERVICES  
22                               877.370.3377 ph| 917.951.5672  
23                               deps@golkow.com  
24

1 APPEARANCES:

2  
3 FREIWALD LAW

BY: LAURA E. LAUGHLIN, ESQUIRE

4 1500 Walnut Street

Suite 1801

5 Philadelphia, Pennsylvania 19102

(215) 875-8000

6 lel@freiwaldlaw.com

Representing the Plaintiff

7 (Via Zoom web conference)

8  
HENDRZAK & LLOYD

9 BY: MAUREEN A. JORDAN, ESQUIRE

3701 Corporate Center Parkway

10 Suite 100

Center Valley, Pennsylvania 18034

11 (610) 709-8705

maureen.jordan@zurichna.com

12 Representing the Defendant

(Via Zoom web conference)

13  
14 WISLER PEARLSTINE, LLP

BY: KYLE J. SOMERS, ESQUIRE

15 460 Norristown Road

Suite 110

16 Blue Bell, Pennsylvania 19422

(610) 825-8400

17 ksomers@wispearl.com

Representing the Defendant

18 (Via Zoom web conference)

19  
20 VIDEOTAPE TECHNICIAN:

WILLIAM CHAN

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Testimony of: TODD BAUER

By Ms. Laughlin 10

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E-X-H-I-B-I-T-S  
- - -

NO.	DESCRIPTION	PAGE
Exhibit-A	Notice of Deposition	383
Exhibit-B	File document	383
Exhibit-C	File document	383
Exhibit-D	Letter	383

- - -

1

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2

DEPOSITION SUPPORT INDEX

3

- - -

4

5

DIRECTIONS NOT TO ANSWER:

6

PAGES: None

7

8

REQUESTS FOR DOCUMENTS OR INFORMATION:

9

PAGES: 187, Lines 1 and 16; 196, Line 7;

10

274, Line 21

11

12

STIPULATIONS AND/OR STATEMENTS:

13

PAGES: None

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MARKED QUESTIONS:

16

PAGES: None

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MS. JORDAN: Before we start the 30B6 deposition, I just want to make a general objection to the areas of inquiry that -- the defense objects to the extent that any of the areas of inquiry impose obligations that are inconsistent or in excess of what is required under the Federal Rules of Civil Procedure in that there could be documents or information that is not yet known at this point of the deposition, and we wouldn't want to be precluded at the time of trial from presenting information that is learned at a later date.

In addition, in regard to the areas of inquiry, specifically No. 5, which indicates other complaints, reports of student-on-student sexual harassment and assault at Gwynedd Square Elementary School, Penndale Middle School, Pennbrook Middle School and North Penn High School, this area



1 of inquiry does not have any date.  
2 It's open-ended, which I believe is  
3 overly broad and burdensome.  
4 Obviously, Dr. Bauer has done due  
5 diligence and will respond to that  
6 area of inquiry, based on his due  
7 diligence. However, he obviously  
8 cannot be responsible to know any  
9 complaints for all time that the  
10 school district has been in existence.

11 In regard to No. 7, the  
12 facts supporting North Penn School  
13 District's defenses in this case, the  
14 defense objects that it has no duty to  
15 advise plaintiff of its defenses.  
16 Plaintiff has the burden of proof in  
17 regard to the claims being advanced  
18 against the school district, and  
19 therefore this area of inquiry is  
20 inappropriate.

21 Thank you.

22 MS. LAUGHLIN: Just for the  
23 record, this is Laura Laughlin, on  
24 behalf of the plaintiff. The

1 deposition notice for this deposition,  
 2 the 30B6 deposition, was issued August  
 3 3rd, and with Attachment A that listed  
 4 all of the areas of inquiry, 14  
 5 specifically, for this deposition  
 6 today. The deposition was originally  
 7 scheduled a couple of weeks ago and  
 8 was asked to be postponed so that  
 9 Mr. Bauer, who was identified by the  
 10 district as the corporate designee,  
 11 could do an investigation into these  
 12 areas and be prepared to testify today  
 13 for his deposition, and the deposition  
 14 was postponed several weeks to  
 15 accommodate the district's ability to  
 16 do an inquiry into these areas.

17 This deposition notice in  
 18 30B6 has been served almost a month  
 19 ago now, and this is the first time  
 20 today, the morning of the deposition  
 21 before the deposition started at  
 22 10:00, that the district has raised  
 23 any objection into any of the areas of  
 24 inquiry that plaintiff had requested

1 in the deposition notice as well as  
2 advising that Dr. Bauer, the 30B6  
3 corporate designee, may not be  
4 prepared to testify on all of the  
5 areas in that Attachment A, and the  
6 district, for the first time, is  
7 saying that they want the opportunity  
8 to be able to supplement with  
9 additional materials that they may  
10 find out later on.

11 Depending upon the  
12 information, plaintiff reserves the  
13 right to object to that prior to  
14 trial, based on notice ahead of time  
15 and prejudicial effect in adding in  
16 the additional information. Should  
17 the district try to introduce  
18 information that was not testified to  
19 today, plaintiff reserves the right to  
20 re-depose Dr. Bauer in a 30B6 capacity  
21 to be able to inquire to those  
22 additional areas that may be  
23 identified at a later date.

24 Okay.

1 THE VIDEOGRAPHER: Okay.

2 You ready to proceed?

3 MS. LAUGHLIN: I think so.

4 MS. JORDAN: I'm ready.

5 Thank you.

6 THE VIDEOGRAPHER: Okay.

7 Great. Please standby for video.

8 Okay. We are now on the  
9 video record. My name is William  
10 Chan. I am a videographer for Golkow  
11 Litigation Services. Today's date is  
12 Thursday, August 26th, 2021. The time  
13 is 10:07 a.m. eastern.

14 This remote video deposition  
15 is being held in the matter of Jane  
16 Dow versus North Penn School District,  
17 which is filed in the United States  
18 District Court for the Eastern  
19 District of Pennsylvania. The  
20 deponent is Todd Bauer.

21 All parties to this  
22 deposition are appearing remotely and  
23 have agreed to the witness being sworn  
24 in remotely. Due to the nature of

1 remote reporting, please pause briefly  
2 before speaking to ensure all parties  
3 are heard completely.

4 Counsel, please identify  
5 yourselves for the video record.

6 MS. LAUGHLIN: Laura  
7 Laughlin, on behalf of the plaintiff,  
8 Jane Doe.

9 MS. JORDAN: Maureen Jordan,  
10 on behalf of the defendant, School  
11 District.

12 MR. SOMERS: And Kyle  
13 Somers, also on behalf of Defendant  
14 School District.

15 THE VIDEOGRAPHER: The court  
16 reporter is Ben Pieczynski, who will  
17 now swear in the witness.

18 - - -

19 TODD BAUER, after having  
20 been duly sworn, was examined and  
21 testified as follows:

22 - - -

23 EXAMINATION

24 - - -

1 BY MS. LAUGHLIN:

2 Q. Good morning, Dr. Bauer.

3 A. Good morning.

4 Q. My name is Laura Laughlin,  
5 as I just stated on the record for the  
6 video. I represent the plaintiff, Jane  
7 Doe, in this case that's been brought  
8 against the North Penn School District.

9 Have you ever given a  
10 deposition before?

11 A. I have not.

12 Q. So I'm gonna give you a few  
13 instructions that will hopefully make  
14 things go a little bit smoother today.

15 I would ask that, since we  
16 have both a court reporter taking down  
17 everything that's said, even though we  
18 have the video too, we'll also be  
19 creating a transcript today, I'd ask that  
20 all of your answers be verbal, okay?

21 A. Sure.

22 Q. Being that, in conversation,  
23 you may nod the head or say uh-huh, which  
24 will come up on the video, but just so

1 the transcript is clear, you'll have to  
2 say yes or no, okay?

3 A. Understood.

4 Q. In normal conversation you  
5 may anticipate where I'm going with my  
6 question and start answering, or I may  
7 sometimes start asking my question before  
8 you're done stating your answer. I'll  
9 try not to do that, but if I do, just let  
10 me know that you're not done answering,  
11 and I'll let you finish before I start  
12 asking my next question, okay?

13 A. Yes.

14 Q. I would also ask, just wait  
15 until I'm done my question before you  
16 start answering, so we can get a clear  
17 transcript.

18 A. Okay.

19 Q. If there's any question I  
20 ask you that you're not sure what I'm  
21 asking or you didn't understand, just let  
22 me know, and I'll try and rephrase it.  
23 If you don't let us know you didn't  
24 understand, we're all going to assume

1     that you understood the question, since I  
2     gave you that instruction, okay?

3             A.     Yes.

4             Q.     If you need to take a break  
5     for any reason today, just let me know,  
6     and we can do so. I would ask, though,  
7     if there's a question pending, that you  
8     answer the question before you take your  
9     break, okay?

10            A.     Yes.

11            Q.     There is -- I'm gonna be  
12     asking you some questions generally about  
13     the district but also conversations you  
14     may have had and things of that sort. I  
15     just want to clarify that when I ask you  
16     questions, I'm not asking you for  
17     conversations that you've had with your  
18     counsel, Ms. Jordan, okay?

19            A.     Yes.

20            Q.     I don't want you to guess at  
21     anything today. If you don't know or,  
22     you know, you don't remember, and that's  
23     the truth, then that's a fine answer,  
24     okay?



1           A.     Yes.

2           Q.     You can estimate, though.

3     So, if you don't know the exact date  
4     something happened or, you know, the  
5     exact timeframe but you can give me a  
6     reasonable estimation, you can do so,  
7     just let us know that's what you're  
8     doing, all right?

9           A.     Yes.

10          Q.     Do you understand that today  
11     you're here as a corporate representative  
12     of the North Penn School District?

13          A.     I do.

14          Q.     Do you have an understanding  
15     that the answers you give today are  
16     binding on behalf of the School District,  
17     since you are here as the corporate  
18     representative?

19          A.     I do.

20          Q.     Before the deposition today,  
21     did you see -- I'm just gonna share my  
22     screen.

23                     I'm going to mark this as  
24     Exhibit-A.   It's the second revised

1 notice of 30B6, the videotaped  
2 deposition. I'll try and make this a  
3 little bit smaller so you can actually  
4 see it.

5 Did you see this Notice of  
6 Deposition before today?

7 A. I did.

8 Q. And specifically, on the  
9 last two pages in Attachment A, did you  
10 see all of those areas of inquiry that  
11 you're going to be asked to testify about  
12 today?

13 A. I did.

14 Q. What did you do -- and  
15 again, I'm not asking for meetings or  
16 conversations that you've had with your  
17 counsel -- but what did you do in  
18 preparation before your deposition today  
19 to be able to testify in the areas that  
20 were listed in Attachment A?

21 A. I simply reviewed the  
22 evidence that was provided.

23 Q. What do you mean?

24 A. The records that we provided

1 as part of this case, I reviewed the  
2 nearly thousand pages.

3 Q. Okay. The ones that were  
4 stamped at the bottom, like, NPSD and 1  
5 through 1,000-something, whatever that  
6 number was?

7 A. Yes.

8 Q. Other than reviewing those  
9 documents, is there anything else that  
10 you did to prepare for the deposition  
11 today?

12 A. I did have conversations  
13 with my boss, our superintendent, Curt  
14 Dietrich, some of which, of course, will  
15 be unfolded during this deposition, but  
16 some of the events that are referenced  
17 here occurred prior to my time being  
18 employed in the district. So, I had to  
19 do some research regarding some of those  
20 incidents.

21 Q. Okay. And so to do that,  
22 you spoke with Curt Dietrich?

23 A. Yes.

24 Q. Is there anybody else that

1     you spoke with --

2             A.     No.

3             Q.     -- in preparation for the  
4     deposition?

5             A.     No.

6             Q.     You said that you had to  
7     speak with Curt Dietrich, the  
8     superintendent of the district, because  
9     some of what occurred in this case  
10    happened prior to your time in the  
11    district.  When did you first start  
12    working for the district?

13            A.     July of 2015.

14            Q.     And what was your role when  
15    you started with the district in July  
16    2015?

17            A.     I was a high school  
18    principal.

19            Q.     At North Penn High School?

20            A.     That's correct.

21            Q.     How long did you serve as  
22    the principal at North Penn High School?

23            A.     Three years.

24            Q.     So until July 2018?

1           A.     That's correct.

2           Q.     And then was it Pete  
3 Nicholson who took over for the high  
4 school after you?

5           A.     Yes.

6           Q.     What did you do in July  
7 2018?

8           A.     I transitioned to my current  
9 role, which is assistant superintendent.

10          Q.     Is there just one  
11 superintendent of the North Penn School  
12 District?

13          A.     Yes.

14          Q.     And then there's one  
15 superintendent, which is Curt Dietrich;  
16 is that right?

17          A.     I believe your last  
18 question, you said, is there just one  
19 superintendent. So, if you meant --

20          Q.     Oh.

21          A.     -- assistant, there's two.

22          Q.     Okay. Sorry, yes.

23          A.     Yup.

24          Q.     The first question I meant

1 to ask, it came out a little wrong, was,  
2 is there only one assistant  
3 superintendent, but you just told me  
4 there's two.

5 So it's you, and who is the  
6 other assistant superintendent?

7 A. At the time, it was Dr.  
8 Diana -- or, I'm sorry -- Dr. Jenna Rufo,  
9 and currently it is Dr. D'Ana Waters.

10 Q. Okay. When did Dr. Waters  
11 take on the role of assistant  
12 superintendent for the district?

13 A. July 2021.

14 Q. Okay. Do you know how long  
15 Dr. Jenna Rufo was the assistant  
16 superintendent of the district.

17 A. I do. From July 2018 to  
18 November 2020.

19 Q. Do you know who held the  
20 roles of assistant superintendent prior  
21 to July 2018?

22 A. I do. Dr. Diane Holben.

23 Q. Was it just one assistant  
24 superintendent at that point?

1           A.     It was.

2           Q.     And do you know when Dr.  
3 Holben had started in that role?

4           A.     My best -- this is an  
5 estimate -- I believe she was assistant  
6 superintendent for about seven years.

7           Q.     So from about 2011, does  
8 that sound about right?

9           A.     It does.

10          Q.     Okay.

11          A.     I believe Dr. Dietrich  
12 became superintendent -- again,  
13 estimating -- in 2010, maybe '11, and Dr.  
14 Holben was soon thereafter.

15          Q.     From about 2010 up through  
16 the present, was -- has Dr. Dietrich  
17 always been the superintendent?

18          A.     Yes. Since he was appointed  
19 superintendent, he has been -- I believe  
20 this is -- might be his thirteenth year.  
21 It is his twelfth or thirteenth year.

22          Q.     Okay. And has there ever  
23 been anybody within that time, 2010 to  
24 present, that either also served as

1 superintendent or filled in for Dr.  
2 Dietrich for a period of time?

3 A. In an official capacity, no.  
4 Certainly, in -- filling in for him at  
5 meetings and other meetings and such,  
6 yes, I'm sure.

7 Q. Meaning that, if Dr.  
8 Dietrich for some reason had a scheduling  
9 conflict, somebody would step into that  
10 role for that particular meeting?

11 A. And preside over the  
12 meeting, yes.

13 Q. Can you tell me, before you  
14 became high school principal at North  
15 Penn, what did you do before that?

16 A. I was assistant principal in  
17 the Central Bucks School District.

18 Q. What level of education were  
19 you the assistant principal in?

20 A. High school.

21 Q. Were you, like, at Central  
22 Bucks East or Central Bucks West?

23 A. South.

24 Q. Oh. I didn't know that



1     there was three.

2                     Is there four, is there a  
3     North too?

4             A.     There is not.  There's  
5     three.

6             Q.     Okay.

7             A.     I think.

8             Q.     So I was only one off.

9             A.     Yeah.  It was 2006, I  
10    believe, they opened C.B. South.

11            Q.     And about how long did you  
12    serve in that role as assistant  
13    principal?

14            A.     Three years.

15            Q.     What did you do before that?

16            A.     I was a math teacher at  
17    Souderton Area High School, and I was  
18    also the head swimming and diving coach  
19    of both the boys and the girls.

20            Q.     That was at Souderton?

21            A.     Yes.

22            Q.     Can you tell me a bit about  
23    your educational background.

24            A.     Certainly.

1                   My bachelor's degree is in  
2   mathematics from Bucknell University. I  
3   also have a bachelor's degree in  
4   education. And my master's degree is  
5   from Wilkes University, in educational  
6   technology. My principal certification  
7   is from Cabrini College, now Cabrini  
8   University, I believe. And my doctoral  
9   degree is from Delaware Valley  
10   University.

11                Q.     When did you get the  
12   doctorate from Delaware Valley?

13                A.     2017.

14                Q.     And what was your doctorate  
15   in, did you have a specific course, area  
16   of study?

17                A.     Educational leadership.

18                Q.     How long of a program is  
19   that to complete?

20                A.     Three years.

21                Q.     Is that part-time, going in  
22   the evenings while working during the  
23   day?

24                A.     Yes. So the format, it was

1 a cohort format, and we had class every  
2 other weekend. So, it was Friday night  
3 and every other Saturday, every weekend,  
4 for three years. And then after that, of  
5 course, a dissertation process.

6 Q. And did you undertake the  
7 doctorate so that you could eventually  
8 step into the role as assistant  
9 superintendent within the district?

10 A. I wouldn't say that that is  
11 fair to say. I began my doctorate when I  
12 was an assistant principal when I was in  
13 Central Bucks, and I simply pursued it  
14 because my children were young, and I  
15 wanted to have options as my career  
16 advanced. So, I didn't know that I  
17 wanted to be an assistant superintendent.  
18 Quite frankly, I still don't know that I  
19 want to be. But I just -- I did it  
20 because I thought it was best to do it  
21 while my children were young.

22 Q. Why do you say that you --  
23 you said, 'frankly, I don't even know  
24 that I really want to be assistant

1 superintendent'; why is that?

2           A.       Well, I guess that was  
3 tongue in cheek. Some people say they  
4 don't know what they want to be when they  
5 grow up. So I did not aspire to be an  
6 assistant superintendent, nor do I aspire  
7 to be a superintendent. I think, when  
8 opportunities present themselves for  
9 which I believe I'm credentialed and  
10 could do a good job and that I can learn  
11 a lot, I pursue them. So, yeah, I didn't  
12 get my principal certification because I  
13 wanted to be a principal, I just did it  
14 to continue my education, and when the  
15 right opportunities came up, I pursued  
16 them. But I do not have an end goal.

17           Q.       Did you need a, a doctorate  
18 to be an assistant superintendent with  
19 the district?

20           A.       You do not. I believe the  
21 job description says doctoral degree  
22 preferred. That said, you do need a  
23 superintendent letter of eligibility, and  
24 that was part of my doctoral program.

1     So, I, I got that. Just like a teacher  
2     can major in education or in mathematics  
3     and they need to have a teaching cert,  
4     you can get a doctoral degree in  
5     educational leadership, but you still  
6     need a certification, which is the letter  
7     of eligibility.

8             Q.     The letter of eligibility,  
9     is that, like, a letter that's signed by  
10    an administrator or something like that,  
11    saying that you're, like, qualified or  
12    met the criteria or something?

13            A.     Yeah. I would assume the  
14    official document has the secretary of  
15    education's signature on it from the  
16    Department of Education, that would be my  
17    guess. However, it's coursework,  
18    internship hours, and then there's a  
19    comprehensive exam at the end.

20            Q.     Okay. I think I was a  
21    little bit confused by when you said  
22    letter.

23                    Like, that would be  
24    something from the general Department of

1 Education, not something, like, Dr.  
2 Dietrich saying, I've seen him in action  
3 and, you know, support him getting this  
4 certification?

5 A. Yeah. It's reasonable to  
6 call it a certification. For some reason  
7 it is classified as a letter of  
8 eligibility.

9 Q. Did Dr. Dietrich have any  
10 involvement in you being able to get your  
11 doctorate degree?

12 A. No. I began the program  
13 prior to ever meeting Dr. Dietrich.

14 Q. Okay.

15 A. So he was my mentor when it  
16 came to my letter of eligibility, because  
17 I had to do 360 hours of intern time.  
18 But that's, I guess, separate from my  
19 doctorate, and your question was, did he  
20 help me in any way get my doctorate; I  
21 guess the answer's no.

22 Q. Well I guess that's what I  
23 was kind of starting to allude to, and  
24 maybe I'm not asking the right questions

1 to be able to get that information.

2                   You said that Dr. Dietrich  
3 was helping you because you needed 300  
4 hours of -- and explain for me what  
5 exactly his -- you said he was a mentor  
6 to you. What exactly is that role? Is  
7 it, like, an actual title, or is it just  
8 in the term that we all know about  
9 mentor, somebody you look up to and stuff  
10 like that?

11               A.     No. It was a literal term.  
12 So similar to -- and you might be more  
13 familiar with student teachers, where  
14 they have a cooperating teacher that they  
15 have do their, their student teaching  
16 with, and then that person eventually  
17 signs off and does an evaluation on them,  
18 in addition to their supervisor from the  
19 university. So, he served in that  
20 capacity. You do need to have a mentor  
21 that signs off on your log of the hours  
22 that you completed. He was interviewed  
23 by the program director when I was going  
24 through my internship to see if I was

1     doing what I was supposed to be doing.

2     So yes, he was officially classified as  
3     my mentor.

4             Q.     And was that through Cabrini  
5     College --

6             A.     That was --

7             Q.     -- that you --

8             A.     That was Delaware Valley  
9     University, for my doctorate.

10            Q.     Okay. When you were going  
11     to take on the role as principal of North  
12     Penn High School, did you undergo any  
13     additional -- or, any specific training  
14     through the district to take on that  
15     role, since I guess you were out of the  
16     district prior to that?

17            A.     Aside from new employee  
18     orientation and trainings that we would  
19     do at the beginning of each school year,  
20     no. But --

21            Q.     The new employee  
22     orientation, can you give me a sense of  
23     what that included, what type of training  
24     or instruction?



1           A.       Yeah. So I recall it quite  
2 vividly. I sat in a conference room here  
3 in this very building. Sat down with  
4 certain individuals from different  
5 departments. So they came in, it was  
6 like an assembly line. So someone from  
7 the business department came to discuss  
8 certain aspects of compensation. And  
9 then somebody from the benefits  
10 department came in to talk me through the  
11 options and the insurance plans. Someone  
12 from technology gave me my device and my  
13 log-ins and how to use e-mail and all the  
14 information systems in there. Of course,  
15 someone from human resources sat down  
16 with me, handed me a folder. And I'm  
17 trying to think of anyone else -- I did  
18 meet with Dr. Holben that day, she came  
19 in and sat with me for quite a while, and  
20 then Dr. Dietrich also met me.

21                       So, that was -- it was a  
22 one-on-one program. I don't believe it  
23 was because I was the new high school  
24 principal. I think it's new --

1 onboarding of new employees is usually a  
2 fairly intimate setting where it's  
3 one-on-one. But that's what I recall.

4 Q. So, during that new employee  
5 hire, you didn't get any training on,  
6 like, North Penn's policies, procedures,  
7 how they handle situations; is that  
8 correct?

9 A. That is not correct. So  
10 when I referenced that human resources  
11 came in, that folder, I believe, had  
12 policies in it and procedures for certain  
13 things, such as how to call out, how to  
14 report something. I did -- so, it's not  
15 fair to say that I didn't get any  
16 training on procedures; I did. More  
17 specific, employee handbooks. So, I, I  
18 recall walking out of here with a stack  
19 of literature that was overwhelming at  
20 the time.

21 Q. Just to give you a -- I  
22 guess a bunch of manila folders or --  
23 of -- you know, or envelopes filled with  
24 documents that you were to read on your

1 own to kind of get up to speed; is that  
2 right?

3 A. I would describe it similar  
4 to the process of when you have a  
5 mortgage and where the -- you sit down at  
6 the settlement table, and they say, this  
7 document is this and this was what it  
8 covers, and then you sign. So each  
9 document itself, we went through, this is  
10 what this policy is, this is what -- you  
11 know, here's the employee handbook and  
12 here it includes this, this and this.  
13 So, if you're familiar with that  
14 process -- unfortunately, I am far too  
15 familiar with the mortgage process --  
16 that's kind of what it looked like.

17 Q. When you say, "how to report  
18 something", I think was one of the  
19 examples you had used, what are you  
20 referring to?

21 A. I was referring specifically  
22 to calling out, taking a vacation day,  
23 who to contact in the middle of the night  
24 when you have challenges, those types of

1 things, that any employee would hear, not  
2 the high school principal.

3 Q. Okay. I understand.

4 Do you recall whether HR,  
5 whoever, in any of these stacks of  
6 materials, had spoken to you about Title  
7 IX?

8 A. I don't recall anyone  
9 speaking to me about Title IX --

10 Q. When you --

11 A. -- on that day.

12 Q. Sorry.

13 A. No, that's okay.

14 I said, "on that day".

15 Q. It's a little bit difficult,  
16 especially over screen sometimes, to  
17 anticipate when somebody's done. So --

18 A. No problem.

19 Q. -- I'll try not, try not to  
20 do that.

21 In your years with the  
22 district, from 2015 to the present, can  
23 you tell me how often faculty received  
24 training on Title IX?

1           A.       I can't point to faculty  
2 explicitly being told, this is Title IX  
3 training. However, I can absolutely  
4 testify to the fact that, as a principal  
5 of a building, part of beginning of your  
6 faculty meeting, which by the way  
7 happened yesterday in all 18 of our  
8 buildings, we would go over logistics,  
9 such as how to write up a student, how to  
10 call security, how to report something,  
11 where forms are located. So I cannot, in  
12 good conscious, say I or someone else  
13 stood in front of them and said, here is  
14 your Title IX training, but I can say  
15 that we absolutely talked about  
16 procedures on emergency situations, how  
17 to support students, how to handle  
18 discipline scenarios, calling security,  
19 things such as that, and that --  
20 obviously, that's an annual thing.

21           Q.       What is Title IX?

22           A.       To me, it protects and it is  
23 a legislation that prevents  
24 discrimination based upon gender.

1           Q.     Okay.  And do you know the  
2 sexual harassment part of Title IX?

3           A.     Yes.

4           Q.     What is sexual harassment?

5           A.     Certainly, I -- if someone  
6 during day-to-day operation were to ask  
7 me what is sexual harassment, I would  
8 refer to the policy that I believe was  
9 provided.  But to me, sexual harassment,  
10 I think the definition includes some  
11 perception.  I think when someone feels  
12 uncomfortable or that they've been  
13 discriminated against because of  
14 something related to a protected  
15 category, that's sexual harassment.

16          Q.     Have you heard of the term  
17 'hostile education environment'?

18          A.     I certainly understand what  
19 that term means, just you saying it.  
20 Have I ever heard someone say 'hostile  
21 education environment', I don't believe  
22 so.

23          Q.     Okay.

24          A.     I've heard hostile work

1 environment, yes.

2 Q. What -- I mean, when you  
3 say, when I say the words you understand  
4 what I mean, what does, what does that  
5 mean to you, then?

6 A. I would say it essentially  
7 means hostile work environment except in  
8 an education environment, and it doesn't  
9 necessarily just refer to employees, it  
10 would refer to anyone in an education  
11 system.

12 Q. But I guess what does that  
13 mean, then, hostile education  
14 environment? Are there -- that's my  
15 question.

16 A. I guess I, I would need to  
17 defer to the definition of hostile. And  
18 hostile, to me, means it's a contentious  
19 environment where people don't feel safe  
20 or they feel that there is inappropriate  
21 behavior. I think there's a lot of  
22 reasons why someone could say someone or  
23 something is hostile. But based upon  
24 that definition of hostile, and again, I

1 think there is perception there. It's  
2 how you feel. Does it feel safe, do you  
3 feel supported, do you feel like someone  
4 would help you if you asked. That's how  
5 I would define it.

6 Q. Like, the perception of the  
7 victim, is that what you're referring to  
8 when you say perception?

9 A. I don't necessarily think  
10 it's, it's a victim in all cases. It  
11 could be anyone. They could be an  
12 observer, right, it's not just the victim  
13 but if they feel that there's a hostile  
14 environment, just by watching. They  
15 don't necessarily need to be the victim.

16 Q. I understand.

17 I want to understand, I know  
18 through the district, like, you had the  
19 role of principal and then assistant  
20 superintendent, there's a superintendent,  
21 there's directors of elementary  
22 education. There's a bunch of different  
23 titles that people get within the  
24 district, and so I want to try and have



1 an understanding of what these roles mean  
2 and, you know, what their  
3 responsibilities are, generally, within  
4 the district.

5 For assistant  
6 superintendent, because that's where  
7 we're all -- let's start there, what is  
8 the assistant superintendent in the North  
9 Penn School District?

10 A. I guess it would be easiest  
11 for me to answer that question by  
12 defining what I think my role is.

13 I am the conduit to our  
14 administrators and employees, in my  
15 cases. I oversee and supervise many  
16 cabinet level administrators, which would  
17 include your director of facilities and  
18 operations, your business manager, I  
19 oversee our coordinator of safe, safe  
20 schools and emergency management,  
21 technology -- our director of technology,  
22 all of our secondary schools. Our other  
23 assistant superintendent oversees our  
24 director of elementary school and the

1 elementary schools and handle discipline  
 2 in situations when they rise above the  
 3 building level. For example, expulsion,  
 4 I handle those. I believe I handle them  
 5 across the board, just because I'm most  
 6 familiar. I'm involved in policies, I'm  
 7 involved in -- I oversee many of our  
 8 school board committees. Our committee  
 9 structure here at North Penn includes our  
 10 ECI committee, which is education,  
 11 curriculum, instruction, we have a  
 12 facility and operations, a safe school  
 13 committee, a policy committee. I  
 14 oversee -- I'm -- I sit on all of those  
 15 committees that I just mentioned and help  
 16 set the agendas for those meetings and  
 17 work with the board through agenda items  
 18 or anything that may come up at the  
 19 meetings.

20 So, I really am a go  
 21 between -- in between the administrators  
 22 and, of course, Dr. Dietrich. It's hard  
 23 to describe. It is far easier to explain  
 24 the superintendent role and the principal

1 role. I think assistant superintendent  
2 is difficult to describe.

3 Q. And I'll get to the easier  
4 ones, because they're on my list too.

5 When you mention the board,  
6 who are you referring to, or what is the  
7 board?

8 A. Every school board in  
9 Pennsylvania has nine elected community  
10 members. And so, when I say the board,  
11 I'm talking about our nine elected school  
12 officials.

13 Q. Okay. Thanks for clarifying  
14 that.

15 A. My pleasure.

16 Q. When you say you're the go  
17 between the administration and the  
18 superintendent, Dr. Dietrich, who -- is  
19 this -- the administration made up of?

20 A. So the easiest was to  
21 describe it is school district's have  
22 what's called an Act 93 employee group,  
23 and that covers anyone who is labeled as  
24 an administrator. In North Penn, I

1 believe we have somewhere around 65  
 2 administrators. So, more commonly known  
 3 are principals and assistant principals.  
 4 But then you have some of those people I  
 5 just mentioned, director of facilities,  
 6 director of technology, director of  
 7 special education. We also have some  
 8 administrators just under those  
 9 directors. We have assistant director of  
 10 business administration, assistant  
 11 director of technology. We have a  
 12 coordinator of communications media,  
 13 informational technology, benefits  
 14 coordinator, coordinator of extended  
 15 school care, which is before and after  
 16 care, coordinator of school nutrition  
 17 services.

18 I think that about covers --  
 19 I didn't go down the curriculum branch.  
 20 So you have director of curriculum and  
 21 instruction and then all the supervisors  
 22 in those content areas. So, for example,  
 23 a supervisor of STEM, supervisors of all  
 24 curricula related to math and science and

1 engineering in the district. So -- and  
2 there's four of them. And then you have  
3 your special education supervisors as  
4 well, I believe we have six of them.

5 Q. And those are all -- all the  
6 people that you just mentioned, they're  
7 all part of the district administration?

8 A. Yes.

9 Q. And is that kind of -- I  
10 mean, administration is kind of -- are  
11 they, like, the leaders of the district,  
12 in a sense?

13 A. I would describe -- in  
14 layman's terms, I would say middle  
15 management. They're leaders within their  
16 department, yes. I would categorize Dr.  
17 Dietrich, Dr. Waters and myself, probably  
18 most people would say, are the leaders of  
19 the district.

20 Q. Okay. So the three of you  
21 are kind of at the top, and then the next  
22 level would be middle management, like  
23 you said, the administration -- other  
24 administrators of the district; is that

1 right?

2 A. Yeah. We use the term  
3 operations, I don't know why. But our  
4 operations team includes Dr. Dietrich,  
5 myself, Dr. Waters and then our director  
6 of human resources, which is Dr. Kim, and  
7 our chief financial officer, Mr. Skrocki.

8 Q. Okay. And before Dr. Kim,  
9 was that Dr. McCue?

10 A. Yes.

11 Q. Dr. Cheryl McCue?

12 A. (Nodding.)

13 Q. The -- I know you mentioned  
14 that Dr. Rufo was also an assistant  
15 superintendent. How do her  
16 responsibilities differ from yours, if at  
17 all?

18 A. Just a clarification. Dr.  
19 Rufo is not an assistant superintendent;  
20 she was. But Dr. Rufo -- am I allowed to  
21 say everything else? But she most  
22 directly supervised -- I think most  
23 people would say that I supervise  
24 technology, facilities and operations,

1 and secondary, that's an  
2 oversimplification of my  
3 responsibilities, but. And then the  
4 other assistant superintendent, who is  
5 currently Dr. Waters, oversees special  
6 education, curriculum, and elementary.

7 Q. Okay.

8 A. So if you want to try to  
9 separate the parts of the operation that  
10 people are most familiar with, I would  
11 give me those three and her the other  
12 three.

13 Q. Okay. When you say that the  
14 other superintendent is in charge of  
15 special education, elementary, what do  
16 you mean?

17 A. They were mutually  
18 exclusive, those two things; special  
19 education and elementary level. So,  
20 elementary is K to 6 in North Penn, and  
21 special education is any student with an  
22 identified disability.

23 Q. So managing all the things  
24 that go under those umbrellas; is that

1 correct?

2 A. Correct. And the terms  
3 might be mutually exclusive, but in  
4 actuality they're not, of course. So  
5 there are special education students at  
6 the secondary level, and I would be  
7 involved in those cases. But I don't  
8 directly supervise our director of  
9 special education; Dr. Waters does.

10 Q. There's, like, some overlap,  
11 you're saying, between -- if you have a  
12 special education student but they're in  
13 the elementary, it would still fall under  
14 the other assistant superintendent, but  
15 if they're at the high school, then there  
16 would be some overlap between the two,  
17 right?

18 A. That's correct.

19 Q. When you say that you're  
20 also, you know, kind of one of your  
21 umbrellas, I guess, that you would be  
22 responsible for is technology, what, what  
23 does that mean?

24 A. Everything from



1 instructional technology to information  
2 systems. So, I directly supervise our  
3 director of technology. And so,  
4 everything from the devices in kid's  
5 hands to cell phones in administrator's  
6 hands to our core switch to our  
7 infrastructure, our backup, the systems  
8 involved, we have Canvass as a learning  
9 management system, Infinite Campus as a  
10 student information system. So all  
11 things related to technology, from  
12 projectors, down to the bulbs in those  
13 projectors. So, yeah, devices, hardware,  
14 software, communication in general, phone  
15 messages when it snows, that kind of  
16 thing.

17 Q. Is the, like, documentation  
18 and retention keeping of, like,  
19 electronic files, whether they be student  
20 files, HR files, are those under your  
21 umbrella of responsibilities, or is that  
22 kind separate, the, the retention of  
23 those -- the organization of those types  
24 of files?

1           A.       I would say our technology  
2 department provides the platforms for  
3 which to do those things, but I wouldn't  
4 say that they supervise them, and a lot  
5 of our recordkeeping is still paper and  
6 pencil. I would bet -- it's fair to say  
7 that in the human resources department, a  
8 lot of it is. So, for example our  
9 student information system is Infinite  
10 Campus, and I previously mentioned that,  
11 and students grades are in there, which  
12 means their transcripts are in there.  
13 So, I guess, technically, in terms of  
14 creating the system and managing the  
15 system for which those records are  
16 stored, yes. Creating those records and  
17 making sure they're done properly by the  
18 individuals who are inputting the data, I  
19 wouldn't say that technology has direct  
20 oversight of that part.

21           Q.       Who's responsible --

22           A.       That would be --

23           Q.       I'm sorry.

24           A.       That's okay.

1           Q.     What was, what was the last  
2     thing you just said?

3           A.     I don't know, remember. Go  
4     ahead.

5           Q.     Okay. Who's responsible for  
6     that part, when you say, like, inputting  
7     the data and stuff like that, is there  
8     someone, like, supervising how that's  
9     done?

10          A.     I would say that's a  
11     building level thing, right? So, the  
12     transcript gets generated based upon  
13     grades that teachers input in their grade  
14     book, and if teachers aren't putting  
15     grades in their grade book, the  
16     administrators in the building, I think,  
17     would be the person saying, hey,  
18     Mr. Bauer, why didn't you put any grades  
19     in for the third marking period. So I  
20     would say the responsibility for the  
21     input of the data would be all the way  
22     down to the teacher level but supervised  
23     by the building administration.

24          Q.     What about in terms of

1 retention of or recordkeeping of student  
2 misconduct, is that something that falls  
3 under your umbrella, or, if not, whose  
4 responsibility would that be?

5 A. I would say same answer  
6 because -- at this stage of the game. In  
7 2021, conduct referrals are input into  
8 that student information system. So, the  
9 teacher inputs the information into  
10 Infinite Campus, and if it's not written  
11 up by the teach, again, I would think  
12 that the building principal would speak  
13 with that teacher.

14 Q. Was that the same -- like,  
15 today, in 2021, was that the same, say,  
16 starting in 2014, the same way that that  
17 would be documented?

18 A. I actually believe that that  
19 was the tipping point, that year. As I  
20 said way back when we became friends here  
21 in this meeting, that I started in 2015,  
22 and that was the year we started using  
23 electronic system for student discipline  
24 at the secondary level. At the

1 elementary level, it was a few years  
2 after.

3 Q. And secondary level, is that  
4 in high school?

5 A. 7 through 12.

6 Q. Okay. So in North Penn's  
7 district, the middle school and the high  
8 school is known as the secondary level?

9 A. Yeah. I think that's  
10 consistent, at-large. Secondary is  
11 beyond elementary.

12 Q. Okay. Infinite --

13 A. Campus.

14 Q. -- Campus, yeah, can you  
15 describe for me, like, what, what that  
16 is? Is that an app, or?

17 A. Infinite Campus, so, it's  
18 referred to as a SIS, that's an acronym  
19 for student information system. It has  
20 everything in there pertaining to student  
21 information. So, medical records,  
22 discipline, grades, what bus they're on,  
23 if they have an IEP or a 504, you can  
24 find those documents in there. So all --

1 student ID number, birthday, address,  
2 emergency contacts, everything -- it is  
3 your one stop shopping for all things  
4 student information; hence the name.

5 Q. Is it -- I mean, so I've  
6 never seen this Infinite Campus, so I'm  
7 just my questions now are gonna kind of  
8 be to try and figure out, like, what that  
9 looked like and describe it to somebody  
10 who had never seen that -- I mean, is it  
11 something on a computer that -- like,  
12 in -- I know it's SIS -- like, an app  
13 that someone can enter and then there's  
14 folders that you can go into from there?

15 A. There are tabs. So, let's  
16 say I put -- Laura Laughlin was a student  
17 at our school. I could type in your name  
18 in the search bar. If I'm a teacher, I  
19 can look on my roster, see your name and  
20 click on it. And then there are tabs  
21 across the top. I would see your  
22 picture, your demographic information,  
23 there are flags for a student, for  
24 example, that has an IEP. And then you

1 can click on the different tabs,  
2 transcript, grades, behavior, bus, you  
3 know, all those things. So, it's really  
4 just a database and a warehouse for all  
5 those things.

6 Q. When you say that there's a  
7 behavior tab, what does that entail?  
8 What's on the behavior tab, or what can  
9 be on the behavior tab?

10 A. Any time a student was  
11 involved in a infraction that was written  
12 up by a teacher or staff member, that  
13 would be whether they're the victim or  
14 the perpetrator. I would say even if  
15 someone is tagged, and I mean that in a  
16 sense that you would tag on social media,  
17 so when you write it up, you can add  
18 students to the incident itself. So if  
19 you had been written up for seven times  
20 over the course of this year, let's say  
21 for class cuts, technology use and  
22 tardiness, I would be able to open your  
23 discipline tab -- or, behavior tab, I'm  
24 sorry, and see that you had seven

1 incidents, I can click on each incident  
2 and read the details that are provided.

3 Q. Okay.

4 A. Only certain people have  
5 access to that, of course.

6 Q. Who has that -- sorry, go  
7 ahead.

8 A. A teacher does not have  
9 access. They have access to write a  
10 student up. They don't have access to  
11 look at the historical data of a  
12 student's discipline. So,  
13 administrators, counselors, anyone who  
14 would need that data to support the  
15 student and -- but I would not say -- a  
16 teacher cannot click on Laura Laughlin's  
17 tab and see, oh, she cut class last year.

18 Q. Okay. So when you say  
19 administration can, that's including,  
20 like, the middle level people?

21 A. Yeah.

22 Q. And that -- does that  
23 include principals too?

24 A. Yes.



1           Q.     Is there anything in  
2     Infinite Campus that allows you to, like,  
3     track certain things? For example, a  
4     student who has multiple similar  
5     instances of misconduct, is there  
6     anything in that system that allows you  
7     to be able to track that in some way?

8           A.     Yes.

9           Q.     Can you tell me about that?

10          A.     Sure.

11                 I mean, if you asked me how  
12     many times theft occurred in a specific  
13     building, I could absolutely pull a  
14     report, develop an ad hoc report. I'll  
15     use Gwynedd Square Elementary as an  
16     example. I could pick Gwynedd Square, I  
17     could pick which discipline incidents I  
18     am interested in looking at, whether it  
19     be a snapshot or longitudinally, and I  
20     could see what the data indicates. And  
21     of course, I just described what it looks  
22     like for a student themselves. If you go  
23     in there, you can look year-by-year of  
24     their infractions.

1           Q.     Okay.  So you're saying if  
2     you -- if I went into [REDACTED] [REDACTED]  
3     file, I'd be able to pull, like, a report  
4     of, you know, what his infractions were,  
5     how many times he was -- gotten in  
6     trouble for a particular thing, is that  
7     what you're saying?

8           A.     I am.  Assuming those  
9     incidents occurred within a timeframe in  
10    which we actually documented electrically  
11    behavior, yes.  So if I look at a student  
12    now, I could see incidents that have  
13    happened -- for a high school student,  
14    let's say it's a tenth grader, I couldn't  
15    probably -- right now, I could go back to  
16    20 -- I'm going to say '16/'17.

17          Q.     Is there anything, though,  
18    because those are situations that you're  
19    saying that an administrator would go in  
20    and type in and be able to run that  
21    report --

22          A.     Mm-hmm.

23          Q.     -- is there any way to be  
24    able to, to, like, keep track of whether

1 somebody is, like, re-offending, you  
2 know, doing sexual misconduct on another  
3 student, like, is there any way to track  
4 that without having to actually go in and  
5 run that report?

6 MS. JORDAN: Note my  
7 objection to the form of the question.  
8 You can answer.

9 THE WITNESS: So, I'm going  
10 to answer the question from a  
11 pragmatic approach, in that if -- when  
12 I was a principal, if a student was  
13 written up or involved in, let's say a  
14 fight, and then I went into the system  
15 to assign consequences to that  
16 student, organically, when you go in  
17 to do so, you see their list of  
18 events. So, I think us and every  
19 educational institution on earth has a  
20 progressive discipline approach. So  
21 if a kid brings out their cell phone,  
22 you may give them a warning, and  
23 another warning, and then they get a  
24 detention, and it's not stopping.

1       Discipline is -- the intention of  
2       discipline is to deter behavior. So  
3       the stakes get higher and higher if  
4       the discipline's not working. So, if  
5       you were involved in your third fight,  
6       and in during your second fight you  
7       got suspended for three days, I would  
8       see it when I am going into the system  
9       and say, oh, this is Laura's third  
10      fight, okay, well here are her  
11      consequences.

12                   So, is there any way, yes.  
13      When you go in and look at that  
14      student, you see them.

15   BY MS. LAUGHLIN:

16               Q.     Okay. I want to get back to  
17      the different roles, how you were kind of  
18      describing for me who they are.

19                   What about for the, the  
20      Title IX coordinator, what is their,  
21      their role in the district?

22               A.     So, I would say, from a  
23      principal's lens, their role is they  
24      receive, investigate and eventually make

1 a determination or ruling on any incident  
2 that is reported to them.

3 Q. When you say 'any incident  
4 reported to them', is there certain  
5 incidents that, to your understanding,  
6 the district has setup that the Title IX  
7 coordinator is receiving?

8 A. Could you ask that question,  
9 again, please?

10 Q. Sure.  
11 What types of incidents  
12 are -- is the Title IX coordinator at the  
13 district supposed to receive?

14 A. Yeah. Specific -- I believe  
15 it's outlined in that policy. So I can't  
16 cite all of them. But --

17 Q. When you say "that policy",  
18 what are you talking about, what policy?

19 A. I think it's Policy 103.  
20 Policy 103, discrimination/Title IX, any  
21 incidents that fit the definition as  
22 described in that policy. But I would  
23 say that any time something is reported  
24 to our administrators, I would --

1 regarding sexual harassment, gender  
2 discrimination, inappropriate contact, I  
3 would expect that they report it to the  
4 Title IX coordinator.

5 Q. When you say "they", I think  
6 you were talking about the principals,  
7 because that's the lens you were  
8 answering the question in?

9 A. Correct. So such events  
10 would typically be reported to your  
11 principal.

12 Q. Okay. And the -- you said  
13 the Title IX coordinator's responsibility  
14 is also to investigate those incidents.  
15 Can you be more specific in that. Are  
16 they actually the ones doing the  
17 investigation?

18 A. Yes. So I think the, the  
19 principal or the assistant principal.  
20 The administrator in the building would  
21 receive the initial report. At this  
22 stage, we would expect them to report it  
23 to the Title IX coordinator, and Title IX  
24 coordinator takes over at that point.

1 So, it is fair to say that the principal  
2 might have investigated initially, to get  
3 to the point that they categorize the  
4 incident as something they shouldn't  
5 report. So, a principal might do a bit  
6 of an investigation and then they would  
7 head to the Title IX coordinator. And at  
8 that point, they take over.

9 Q. They would take over from  
10 the principal?

11 A. Yes.

12 Q. When you say that -- I mean,  
13 when a principal receives a report that  
14 somebody says, I was, like,  
15 inappropriately sexually touched by  
16 another student, and that's the  
17 disclosure a student makes, is it at  
18 that point they should report it to the  
19 Title IX coordinator, or is it once a  
20 principal -- like, because you kind of  
21 talked about, like, does their own  
22 investigation and then would report it.  
23 Can you help me understand when exactly  
24 the report should be made where the Title

1 IX coordinator should be made aware under  
2 the district's policies?

3 A. That's a good question. I  
4 would say that any time something is  
5 reported, there is, at least on the  
6 periphery, an investigation that takes  
7 place, a conversation with someone. So  
8 you might get a report from a tip line or  
9 an e-mail where somebody says they saw  
10 something. I would expect that the  
11 administrator involved would look into  
12 it, and when, at that point, they  
13 determine that this could be classified  
14 as a Title IX infraction, then it should  
15 be reported.

16 Q. What about if the report  
17 from the student, the disclosure from the  
18 student is that they were sexually  
19 inappropriately touched, I mean, at that  
20 point is there enough for that  
21 administrator that they're supposed to go  
22 to the Title IX or figure that out more  
23 before going to Title IX?

24 A. I think -- I'll get to the



1 direct answer, but I think, in an  
2 educational environment where you have  
3 kids as young as five all the way up to  
4 18, there are lots of things that are  
5 reported, and certain things, you know,  
6 obviously, you have to triage at times.  
7 When you're the principal of a building  
8 with 3,000 students in it, there are  
9 incidents that occur -- all kinds of  
10 incidents that occur in every classroom  
11 every day, whether it's a student calling  
12 out or driving inappropriately in the  
13 parking lot. So I do think, when  
14 something is alleged, that someone  
15 touched me inappropriately in this  
16 hallway at this time, I would expect our  
17 administrators to -- and they believe  
18 that to be credible, which I'm sure there  
19 will be follow-up question to, they will  
20 report it immediately, and I would think  
21 that the Title IX coordinator would  
22 advise that administrator right away,  
23 okay, let me look into this, I'll be in  
24 touch about next steps.

1           Q.     Okay.  So just to be clear,  
2     if it is something -- because I know you  
3     talked about there's, like, minor  
4     infractions, like, oh, you know, a five  
5     year old pushing another five year old in  
6     the playground or something, compared to  
7     something a high school student saying,  
8     you know, another student sexually  
9     inappropriately touched me, in the latter  
10    scenario, you would expect that once that  
11    report is made that that would  
12    immediately be communicated to the Title  
13    IX coordinator of the district; is that  
14    correct?

15           A.     Yes.  Assuming that the  
16    student reported it as you're suggesting,  
17    that would absolutely be my expectation.

18           Q.     And you said -- I know you  
19    said that the Title IX coordinator in the  
20    district, they're the ones that are  
21    completing these investigations when it  
22    involves, like, an allegation of sexual  
23    harassment or assault, right?

24           A.     Yeah, that's correct.

1           Q.     Are they actually the  
2     ones -- investigation's kind of a broad  
3     term, so I just want to make sure I'm  
4     understanding correctly -- are they  
5     actually the ones, like, interviewing the  
6     witnesses and compiling documents and  
7     things of that sort?

8           A.     Yes. Once it gets to the  
9     Title IX coordinator, I do believe that  
10    they're the person actually conducting  
11    the interviews, sitting down with the  
12    families of the students or the  
13    employees, yes.

14          Q.     And then you said the  
15    third -- you said they receive the  
16    report, they investigate the report and  
17    then they make a determination; is that  
18    right?

19          A.     That's correct.

20          Q.     Can you explain for me what  
21    you mean by, after they investigate, they  
22    make a determination.

23          A.     Sure.

24                   Certainly, depending on the

1 intricacies of the incident, they've done  
2 their interviewing and they've drawn a  
3 conclusion, then if there were going to  
4 be consequences for an offender, supports  
5 put in place for a victim or somewhere in  
6 between or beyond, that person would  
7 identify the next steps.

8 Q. The -- when they're reaching  
9 conclusions and coming up with any  
10 supports or discipline, is that all  
11 within the responsibility of the Title IX  
12 coordinator?

13 A. Yes.

14 Q. Like, selecting the  
15 discipline that would be given, whether  
16 it's to a student or faculty, in those  
17 scenarios?

18 A. It's, it's fairly cumbersome  
19 or ambiguous question because it really  
20 does depend, I believe, on the  
21 conclusions drawn and because of, like I  
22 said before, there's progressive  
23 discipline. It depends on the  
24 infraction.

1           Q.     Well assuming that -- I  
2     guess it's -- let me just clarify the  
3     question -- assuming that discipline is  
4     going to be implemented, whatever the  
5     findings are, that discipline is going to  
6     be given, let's say to a student, is that  
7     the Title IX coordinator's decision and  
8     responsibility as to assigning that or  
9     what that's going to be?

10          A.     I think, making a  
11     determination and drawing a conclusion, a  
12     hundred percent, yes. They determine the  
13     outcome or the conclusion. I, I think  
14     it's reasonable to expect that the  
15     discipline for the student could be done  
16     in collaboration with the principal due  
17     to the progressive nature, as previously  
18     discussed.

19          Q.     And just to clarify, when  
20     you were discussing what the Title IX  
21     coordinator's role is and all the  
22     information you just gave me, is that  
23     true from the period of 2014 up through  
24     the present, or has that changed at all?

1           A.     Could you ask that one more  
2 time, please?

3           Q.     Sure.

4                   I'm just trying to clarify  
5 the descriptions that you gave me about  
6 the Title IX coordinator's role for the  
7 district, has it been the same from what  
8 you described from 2014 through the  
9 present?

10          A.     To my knowledge, yes.

11          Q.     When you say that the Title  
12 IX coordinator is the one reaching  
13 conclusions and kind of sounds like  
14 coming up with a summary of everything  
15 that's happened, like what the  
16 investigation found, what it consisted  
17 of, what the conclusion is from that  
18 investigation and what the next steps are  
19 going to be, is that something that the  
20 Title IX coordinator is expected to  
21 document in some type of report?

22          A.     Yeah. So that policy that I  
23 reference, 103, there are attachments,  
24 and those attachments include the forms

1 to be completed by the accuser, and I  
2 believe -- I'd have to reference the  
3 policy -- what the output is, what the  
4 form looks like. It could be a narrative  
5 and a summary of the investigation and  
6 the ultimate conclusions.

7 Q. Do you -- I guess -- do you  
8 know whether there is an actual report,  
9 regardless of, like, whether it's in a  
10 form that, you know, they're filling out  
11 or something that they type up on a  
12 document, do you know whether, for a  
13 Title IX investigation, once it's  
14 concluded, whether, in the district,  
15 there's an expectation that a report  
16 summarizing the investigation and the  
17 findings be made?

18 A. Yes. I believe that's the  
19 expectation.

20 Q. And once -- where is that  
21 report documented or saved?

22 A. I think that depends on the  
23 type of infraction. If it's a staff  
24 member, I would assume that it's in the

1 personnel file. If it's a student's  
2 infraction, I would assume it goes into  
3 the student's cumulative folder.

4 Q. And is that the folder  
5 that's in Infinite Campus?

6 A. No. There are documents in  
7 Infinite Campus that contain information  
8 that is also in a student's cume folder,  
9 such as grades, custody notifications,  
10 evaluation reports for special education,  
11 those types of things.

12 Q. What is a -- you said a  
13 student cumulative folder, sometimes you  
14 refer to a student cume folder --

15 A. Mm-hmm.

16 Q. -- where is that kept?

17 A. So if a student matriculates  
18 through North Penn and they graduate,  
19 that folder is at the high school for a  
20 couple of years and then they get stored  
21 at a location. I actually don't know  
22 where it is. I know the company's called  
23 Iron Mountain and they do a lot of record  
24 storage. But yeah, so the cume folder --



1 again, as I said, evaluation reports,  
2 attendance, transcripts, grades, IEPs,  
3 things like that would be in a student's  
4 cume folder. But they're -- now, in  
5 2021, things like discipline and such are  
6 in the computer.

7 Q. In the cumulative folder, is  
8 it a paper, like, folder?

9 A. Yes.

10 Q. Is there any electronic  
11 version of that cumulative folder that's  
12 kept by the district?

13 A. No.

14 Q. Where is the cumulative  
15 folder actually kept? I know you said,  
16 at the high school, it would be at the  
17 high school until they graduate and then  
18 it would go to a couple of years to  
19 Iron -- whatever you just said.

20 A. Yeah.

21 Q. But where is that kept?

22 A. At the school,

23 Q. Where in -- like, for the  
24 high school, for example, where is it

1     kept in the school?

2             A.       There's a vault in the main  
3     office filled with filing cabinets.  It  
4     would be kept in a green filing cabinet  
5     in the vault in the main office.

6             Q.       When you say a vault, is it,  
7     like, I mean, traditionally you see on  
8     the cartoons, with, like, the lock on the  
9     end of it and you can't get in there  
10    unless you have a key?

11            A.       It a hundred percent looks  
12    like a cartoon, as you just described it.

13            Q.       Okay.  So it's, like, this  
14    literal log, like, locked away -- in a  
15    cumulative folders are in?

16            A.       At North Penn High School,  
17    yes.  Yes, it is a huge, heavy door.  It  
18    has a, a -- what is commonly referred to  
19    as a combination lock, it should be  
20    called a permutation lock, on the front  
21    of it, and it is -- yes, and there's only  
22    a couple people that know the code to  
23    that vault.

24            Q.       That was going to be my next

1 question.

2 Who are the people who know  
3 the code to the vault where the  
4 cumulative folders of students are kept?

5 A. The principal and the  
6 principal's secretary.

7 Q. Why are the cumulative  
8 folders of students kept under such  
9 heavy, like, lock and key?

10 A. I would say for the same  
11 reason that you might put your child's  
12 birth certificate in a fire box. It's a  
13 high school with a lot of kids and lots  
14 of things happen, and just out of concern  
15 for the safety of the records and the  
16 importance, they are in a vault, a  
17 fireproof vault.

18 Q. Okay. Are investigations of  
19 misconduct, are they kept in the  
20 student's cumulative folder?

21 A. So, I believe, as discipline  
22 infractions, in terms of tallies, yes,  
23 details are electronic. But there  
24 absolutely is a, a purging of some items

1 in a student's cumulative folder as they  
2 move from one level to the next. The  
3 folder can get very thin, very thick,  
4 when you have students in your district  
5 for 13 years. So they absolutely purge  
6 some documents that could be in that  
7 folder as they transition from elementary  
8 to middle and middle to high. But,  
9 again, in 2021, such things can be found  
10 in Infinite Campus in nearly every  
11 circumstance.

12 Q. If they're, I'm sure, input  
13 into the Infinite Campus SIS --

14 A. Correct.

15 Q. -- right?

16 A. Correct.

17 Q. I'm trying to use the right  
18 terminology.

19 A. You are. Great job.

20 Q. I couldn't tell you exactly  
21 what it means, but that's okay. I'm not  
22 a tech person.

23 But is there some type of  
24 district, whether it's policy or

1 procedure, on what gets purged as a  
2 student moves from level to level?

3 A. So, in literal sense,  
4 policy, I don't believe there is a board  
5 policy designating what is purged, no.  
6 The practice, I believe -- and, and once  
7 you get to high school, typically all you  
8 would have in there are grades,  
9 attendance and then anything specific to  
10 a 504 IEP.

11 Q. Like, if a student has an  
12 IEP --

13 A. Yeah.

14 Q. -- that would be in there?

15 A. You would see, I believe,  
16 their IEP, their evaluation reports,  
17 things such as that. Elementary to  
18 middle, and I've never been a middle  
19 school principal in this district,  
20 however -- or at all -- my understanding  
21 is that essentially the whole file goes  
22 from elementary to middle.

23 Q. And do you know what is kept  
24 in terms of student misconduct in an

1 elementary file as it goes to the meddle  
2 school?

3 A. I believe everything that  
4 has been put in the file is kept from  
5 elementary to middle.

6 Q. Is there any, like,  
7 instruction or training at the elementary  
8 level of what is supposed to go in that  
9 file, in terms of student misconduct?

10 A. That's a good question.  
11 I -- yes. In terms of what should go in  
12 the file, I would point back to what I  
13 previously mentioned in terms of conduct  
14 referrals, how to write them up, etc.,  
15 and I believe that those papers and  
16 documents would be placed in this file,  
17 and this is when it was paper and pencil.  
18 Now, no active process needs to exist to  
19 train anyone, because they're in Infinite  
20 Campus.

21 Q. Going back to the Title IX  
22 coordinator, once -- if a report is  
23 created summarizing the investigation,  
24 the findings, the next action steps, if

1     there are any, is that report supposed to  
2     be sent somewhere; do you know?

3             A.     I believe.

4             Q.     Where does it go?

5             A.     I believe the report is to  
6     be provided to the superintendent and  
7     then, again, depending on who the, the  
8     perpetrator or victim are.  If it's a  
9     employee, it would go in the employee's  
10    personnel file.  If it was a student, I  
11    would expect that it would be in the  
12    student's file itself, but the actual  
13    discipline write up would be in Infinite  
14    Campus.  So -- but in terms of the report  
15    of the Title IX coordinator findings, the  
16    hard copy, I know it's supposed to go to  
17    the superintendent and then --

18            Q.     You said it would go in a  
19    student's file; in the cumulative folder  
20    for that student?

21            A.     Yes.  If there was a report,  
22    I would expect that that's where it would  
23    be.

24            Q.     If there was --

1           A.       But I --

2           Q.       Sorry, go ahead.

3           A.       That's okay.

4                    I was going to say I am  
5 generally not certain that it -- if it  
6 would be placed in there, but that would  
7 be my expectation.

8           Q.       Do you know if there is any  
9 type of, like, practice that the district  
10 is supposed to be following as to where  
11 that report would be placed?

12          A.       I do not know.

13          Q.       What about in terms of if  
14 there's not a final report but there's,  
15 like, statements and -- whether it's from  
16 students, administrators, principals,  
17 teachers, where would that -- if that  
18 documentation, if it's about student  
19 misconduct, would that be also expected  
20 to be kept in the cumulative folder of  
21 that student?

22          A.       So I think that's difficult  
23 to answer because of the nature of the  
24 event that we are speaking about. I



1 would expect the documents specific to  
2 the employees to be in the employee's  
3 folder, and any documentation teacher --  
4 you know, if a teacher wrote a statement,  
5 for example, I would expect it to be in  
6 the teacher's file. If students -- if we  
7 had a fight at the high school and we get  
8 five students to give a report, we would,  
9 we would make copies of those, and it  
10 would be connected to the actual security  
11 report. They're scanned in and they're  
12 actually -- we have a security software  
13 as well. So it would all be -- and then  
14 those things are -- the incident itself  
15 and the write up and the determination or  
16 the discipline outcome or the consequence  
17 is Infinite Campus. So it's really hard  
18 to answer. Certain components, I would  
19 expect -- like you were describing  
20 statements -- I would expect that a  
21 statement from an employee would be in an  
22 employee's file. A statement from a  
23 student would go in a student's file.

24 Q. In that particular student

1     who gave the statement file?

2             A.     I could see them being  
3     bundled altogether, certainly.  So in a  
4     case where -- I can think of a recent  
5     incident where three kids got in a fight.  
6     Each of the students gave a report, and  
7     I -- all three reports are in all three  
8     student's files.

9             Q.     What about in terms of  
10    sexual misconduct, like we're dealing  
11    with here, for example, the statements,  
12    investigation, stuff like that involving  
13    the student who's the alleged  
14    perpetrator, would you -- is there a --  
15    would you expect that the documents  
16    involved in that investigation and things  
17    like that would be put in the alleged  
18    perpetrator's student's cumulative  
19    folder?

20            A.     If the student wrote a  
21    statement, yes.  If the teacher wrote a  
22    statement, in this case, for example, I  
23    would not.  It's just -- yeah, I wouldn't  
24    expect that to be in the student's

1 folder, a teacher's account. But if a  
2 student wrote a statement, I would.

3 Q. What about in terms of --  
4 well, I guess, let me ask this -- when  
5 there's an investigation done that's  
6 being compiled, is there somewhere where  
7 the whole investigation, all the parts  
8 that go into that is kept in some central  
9 location?

10 A. I would expect that to be  
11 all of it, a portfolio of the incident,  
12 to be kept with the Title IX coordinator.

13 Q. With the Title IX  
14 coordinator?

15 A. Yes.

16 Q. What does, what does that  
17 mean? I mean, they probably don't put it  
18 in their briefcase and walk around with  
19 it. So where, where is that, what do you  
20 mean by that?

21 A. I would expect that the  
22 Title IX coordinator would have a file of  
23 the investigation and each of those parts  
24 as you speak.

1           Q.     Is it, like, one file that  
2     the Title IX coordinator would keep on  
3     all Title IX incidents within the  
4     district, or how is that organized or  
5     maintained or kept?

6           A.     I can't answer that. I  
7     don't look in people's filing cabinets.  
8     I could hypothetically tell you how I  
9     would do it, but obviously she keeps her  
10    own records. I don't know how she stores  
11    them. I have not opened that drawer.

12          Q.     Let me ask you this. On  
13    behalf of the district, is there any  
14    process that is expected on how --  
15    because ultimately it's -- you know, the  
16    Title IX coordinator works for the  
17    district -- it's how the district is  
18    keeping documents and categorizing  
19    pertaining documents. So is there some  
20    type of practice or policy in the  
21    district on how those, you know, files of  
22    these investigations and statements and  
23    findings is, is kept?

24          A.     So, we have had several

1 trainings in my time here in North Penn  
 2 where Mr. Somers has spoken to the  
 3 administrative team as a whole and talked  
 4 about recordkeeping and documenting and  
 5 the importance of keeping them, and I'm  
 6 aware of the fact you referenced earlier  
 7 in this conversation you met with Dr.  
 8 McCue yesterday, and she was certainly a  
 9 part of all of those trainings. So is it  
 10 the expectation that upon investigation  
 11 and documentation and then ultimate  
 12 reporting, if there's discipline of a  
 13 teacher and so forth, that she would keep  
 14 all of that, absolutely. How she  
 15 specifically does that, my guess would  
 16 be -- and again, this is me -- this is my  
 17 expectation -- would be that she has an  
 18 ultimate finding, she writes a report,  
 19 and then all the supplemental  
 20 documentation that led her to that  
 21 finding is all kept in a folder, and I am  
 22 sure that she files them somewhere. But  
 23 we've had training specific to  
 24 documentation in special education cases,

1 in discipline cases and the importance of  
2 documentation when it comes to student or  
3 employee discipline.

4 So yes, there is an  
5 expectation, which was your question.

6 Q. That it's kept and  
7 documented in some capacity, right?

8 A. Yes.

9 Q. Because you said through the  
10 trainings and stuff like that, the  
11 trainings have told everybody that it's  
12 really important to document and retain  
13 information like that; is that correct?

14 A. Yes.

15 Q. But to be clear, the  
16 district doesn't have a practice or  
17 procedure of, this is how those  
18 documents, meaning student misconduct  
19 involving inappropriate touching, sexual  
20 misconduct, sexual harassment, should be  
21 kept; is that correct?

22 A. I don't believe that I said  
23 that. But in a, in a district with -- a  
24 large organization, we do not tell people

1 how to keep their records. Certainly, we  
 2 stress the importance and provide  
 3 training on documenting and keeping  
 4 records, but in a literal sense, how  
 5 those records should be kept, I don't  
 6 believe someone has been directed. But I  
 7 am sure the Title IX coordinator can tell  
 8 you how they keep those records.

9 Q. When you say that there's  
 10 training on documenting and keeping  
 11 records, what exactly is the training?  
 12 Like, what's the instruction? Is there a  
 13 PowerPoint, or?

14 A. So, Mr. Somers has been the  
 15 district solicitor for quite a while,  
 16 during the entirety of my time here at  
 17 North Penn, and I would say two to three  
 18 times a year he comes and presents to our  
 19 administrative team and, on occasion,  
 20 presents in schools. And I can recall,  
 21 on many occasions, him explaining to our  
 22 administrative team, talking through  
 23 discipline areas and case law and then  
 24 explaining how to handle and what to do

1 and the importance of documentation  
2 throughout and, and giving examples of  
3 where there has been some liability as a  
4 result of not documenting.

5 So, I cannot, right now,  
6 point to a specific training, but I am  
7 100 percent certain that we have been  
8 told on numerous occasions the importance  
9 of documentation and recordkeeping.

10 Q. When you say that, in these  
11 trainings, one of the topics you discuss  
12 was liability as a result of not  
13 documenting -- is that correct, that you  
14 said that?

15 A. I did.

16 Q. Are those within the North  
17 Penn School District?

18 A. I'm gonna have to ask you to  
19 rephrase the question.

20 Q. The --

21 A. I don't know what you're  
22 asking.

23 Q. The situation that you  
24 talked about about liability as a result



1 of not documenting, are they cases that  
2 involved the North Penn School District  
3 that was discussed?

4 A. No. So the context in, in  
5 my answer was he gives trainings and  
6 provides case law of examples of how and  
7 why we should and examples of why  
8 there's -- or, when there's liability as  
9 a result of not. So, he -- typically I  
10 would say they are Supreme Court cases,  
11 whether it's state or federal. So we go  
12 over, again, at least annually, in most  
13 cases more, recent case law and examples.  
14 So, I wasn't speaking specifically to  
15 North Penn.

16 Q. I'm going to ask you, I  
17 guess, specifically about North Penn,  
18 then.

19 In any of these trainings  
20 over the years, has there been discussion  
21 of incidences that happened at North Penn  
22 and whether that was the right way to do  
23 it or wrong way to do it, in terms of,  
24 like, documentation, student misconduct

1 and the like?

2 A. So I believe your question  
3 was was there ever any discussions. I  
4 would say there were not discussions led  
5 by Mr. Somers. Being the consummate  
6 profession that he is, he would typically  
7 say things like, for example, in a  
8 district, I experience da da da da da or  
9 I worked with an administrator, and then,  
10 as you would in any team environment,  
11 principals might raise their hand and  
12 say, well I dealt with this one time.  
13 But I cannot, I cannot recall a time  
14 where we pointed -- excuse me -- where  
15 Mr. Somers, directly in his training,  
16 pointed to something at North Penn.

17 Q. What about maybe not with  
18 training with Mr. Somers. But generally,  
19 at the administrative meetings that  
20 you've been part of over the years, have  
21 there been times that at that meeting or  
22 the, like, a review or discussion about  
23 situations that had happened at North  
24 Penn?

1           A.       Yeah. That's fair to say.  
 2     But I don't believe anything as -- what's  
 3     the right word -- sensitive. So for  
 4     example, when I was high school principal  
 5     there was a fire at the high school and  
 6     somebody -- it was an arsonist. So we  
 7     absolutely, as a full-fledged  
 8     administrative team, got together and  
 9     discussed and learned from and debriefed,  
 10    and one of our board members uses the  
 11    term hot-washed. So we got together and  
 12    kind of broke it down from start to  
 13    finish what we could have done better,  
 14    what worked well, what didn't. But not  
 15    something so sensitive as a, a individual  
 16    student's case. I would say --

17           Q.       What --

18           A.       -- just larger scale  
 19    situations.

20           Q.       What about for sexual  
 21    harassment or sexual misconduct, has that  
 22    ever been discussed, or is that in the  
 23    category of, like, as you said, too  
 24    sensitive that you wouldn't discuss at

1 these meetings?

2 A. So the original question was  
3 about specific incidents, and I don't  
4 know that I can recall us discussing a  
5 specific incident that occurred in North  
6 Penn. Have we, however, had training  
7 related to say, Policy 103, absolutely,  
8 yes.

9 Q. How often is that training  
10 done on Policy 103, like you're  
11 referencing?

12 A. I believe -- so Policy 103  
13 was just adopted in -- I'm going -- I  
14 could be wrong -- I'm going to say  
15 November of '19. Again, that was  
16 provided. Which was obviously a revised  
17 policy. It pertained to a policy that  
18 was previously in existence. But as we  
19 were going through the comprehensive  
20 policy review process, Mr. Somers has  
21 probably come in three or four times to  
22 go over pertinent policies, and I would  
23 say that Policy 103 has been discussed  
24 twice in the last two years.

1           Q.     When you say policy -- well,  
2     I guess, are you talking about the times  
3     Mr. Somers has come in, you said two to  
4     three times, is that over the course of,  
5     when?

6           A.     I believe he comes -- we do  
7     legal update with our administrative team  
8     at least once a year. Most years, I  
9     would say it's twice.

10          Q.     How --

11          A.     And -- go ahead.

12          Q.     No, go ahead. I'm sorry.

13          A.     So, this policy, in  
14     particular, I would say we've discussed  
15     twice in the last two years with a full  
16     administrative team.

17          Q.     How often are those legal  
18     updates, do they include Title IX  
19     coordinator and sexual harassment?

20          A.     Aside from twice in the last  
21     two years, I can't recall.

22          Q.     Can you estimate for me how  
23     many times?

24          A.     In my time here at North

1 Penn, I would say we've spoken about  
2 those types of incidents as a full  
3 administrative team four times.

4 Q. Okay. Since 2015, because  
5 that's when you're saying you came to the  
6 district?

7 A. Yes.

8 Q. When you say --

9 A. Again, that's an estimate.

10 Q. I understand.

11 This Policy No. 103, you  
12 just said, was implemented in November of  
13 2019?

14 A. Do you mind if I look at the  
15 policy?

16 Q. Sure.

17 And are you looking at, are  
18 you looking at a bates number?

19 A. Yeah, hold on. It would say  
20 at the top when it was adopted and when  
21 it was revised.

22 Q. Okay. And when you get to  
23 that, if you could just let me know the  
24 bates number, so I can understand what

1     you're referring to.

2             A.     Of course.

3                     If I have it here. I can  
4     certainly find it online and share my  
5     screen with you here.

6                     So the -- for the old policy  
7     versus the new is dramatically different.

8             Q.     Why is that?

9             A.     So the old policy, welfare,  
10    harassment procedures, they're a couple  
11    policies that relate, I think, but 4316,  
12    5150A, I would point to specifically.  
13    But --

14            Q.     Is there a bates number that  
15    you're referring to, like, at the bottom  
16    of the page?

17            A.     Yeah. So, 1049. I think  
18    there's some pages immediately adjacent  
19    to. Do you mind if I look at the policy  
20    online?

21            Q.     No, not at all.

22            A.     Okay. Shouldn't take long.

23                     So, at the top of Policy  
24    103, which is publicly available, it was

1     adopted on November 19th, 2020, last  
2     revised in April of 2021.

3             Q.     Okay. And so, just so I'm  
4     making sure I understand, where is Policy  
5     103, it's on the district's website?

6             A.     Yes.

7             Q.     Okay. And what is the title  
8     of that policy?

9             A.     Discrimination/Title IX  
10    sexual harassment affecting students.

11            Q.     Okay. And are you saying --  
12    just to make sure I'm understanding what  
13    you're describing -- prior to November  
14    2020, because that's when 103 came into  
15    play?

16            A.     (Nodding.)

17            Q.     Yes?

18            A.     Mm-hmm. Sorry, I thought  
19    there was more to the question.

20            Q.     No. That was my question.

21            A.     Yes.

22            Q.     The -- was the -- what's now  
23    103, was that 5150 prior to that time?

24            A.     So, yes, 5150A.



1 Q. Okay.

2 A. I believe. So, through the  
3 policy review process, our current board  
4 began -- I'm going to say we're  
5 approaching, embarrassingly, three years  
6 ago, it takes an awful long time to get  
7 through so many policies, but we switched  
8 to PSBA, which is Pennsylvania School  
9 Board Association, and they do -- they  
10 provide advisement on policies, and they,  
11 I'd say, triangulate our policies and  
12 practices from handbooks and existing  
13 policies and kind of combine them. So  
14 it's hard to say that this policy was  
15 exchanged for that policy, because many  
16 times it's pulling from multiple to  
17 consolidate. But Policy 5150A, is it my  
18 belief, that it most closely aligns with  
19 the current Policy 103.

20 Q. Is -- was 5150A, was that,  
21 like, repealed, or is that still  
22 currently a district policy that's in  
23 effect?

24 A. I believe it was repealed.

1 Q. Okay.

2 A. I can look, but I believe it  
3 was repealed.

4 Q. Is there --

5 A. Sometimes --

6 Q. Sorry, go ahead.

7 A. -- there are little  
8 components of policies that need to  
9 remain because they're not covered in a  
10 newly adopted -- like, we haven't adopted  
11 the next policy yet. So we need to leave  
12 it because of this little paragraph out  
13 of seven pages. So -- but I do believe  
14 that that policy has been repealed,  
15 5150A.

16 Q. Is -- the rest of the 5150,  
17 I think there's, like, a B and C, do you  
18 know whether they were repealed as well  
19 in this -- do you know if they were  
20 repealed as well?

21 A. I'd have to look.

22 Q. Where could you -- sorry, go  
23 ahead.

24 A. So, through the policy

1 review process, I have charts of which  
2 policies were adopted, which policies  
3 were repealed. They're also reflected in  
4 the minutes from our school board  
5 meetings. So it's an action item each  
6 month, which policies we're adopting and  
7 which ones we're repealing.

8 Q. Is that readily accessible  
9 to you, to find out if that was -- those  
10 policies were repealed and, I guess, in a  
11 sense, 103 is the relevant policy?

12 A. Give me a moment to try to  
13 answer that.

14 So, I can tell you that when  
15 drafting Policy 103, the notes that I  
16 have from PSBA, the policies that they  
17 referenced in writing Policy 103 was  
18 1251, 4316 and 5150.

19 Q. Okay.

20 A. Specifically what was  
21 repealed, I could -- whether or not that  
22 policy was repealed, I can probably get  
23 that in a moment or two, if you would  
24 like me to try.

1           Q.     Yeah. I mean, I -- if  
2     you're able to. If it's easily  
3     accessible and it will only take a moment  
4     or two, I think that would be good to  
5     find out.

6           A.     I don't think I'll be much  
7     longer, hold on.

8           Q.     Okay.

9           A.     The website --

10          Q.     Take your time.

11          A.     The website does not appear  
12     to be cooperating.

13          Q.     Is it the district's website  
14     that you're on?

15          A.     Yeah.

16                   Oh, you know what, I might  
17     know.

18                   Okay. It does appear that  
19     5150 is repealed.

20          Q.     What about the other two  
21     policies that you had referenced, I think  
22     one was 4316, which is administrative  
23     regulation, and one more, were they  
24     replaced by 103 as well?

1           A.     You -- I'm sorry, you said  
2     41 -- I have to --

3           Q.     I thought it was 4316. The  
4     other -- when you had went over 103, you  
5     referenced three different policies.

6           A.     Yes. It doesn't appear that  
7     that policy is still in existence.

8                     And what was the other?

9           Q.     I forget what the third --  
10    I'm not ever sure what it -- what the  
11    policy was for, but you referenced three  
12    different numbers.

13          A.     I can look.  
14                     1251.

15          Q.     Do you have 1251 is for,  
16    what policy that is (sic)?

17          A.     Nondiscrimination on the  
18    basis of disability.

19          Q.     Okay.

20          A.     That one does still exist.

21          Q.     Okay.

22          A.     But again, these were  
23    policies that were referenced in drafting  
24    Policy 103.

1 Q. Okay. And then 103 replaced  
2 those three -- well, two of the three  
3 policies?

4 A. Maybe not in their entirety.  
5 They -- it has since been repealed, I  
6 know that.

7 Q. Okay.

8 A. I don't know that it was at  
9 the same moment, though.

10 Q. Do you know when 5150 was  
11 repealed?

12 A. I don't. Again, I could  
13 find it, but it wouldn't be quick.

14 Q. Okay.

15 A. I'd have to go back through  
16 board minutes and look.

17 Q. Are the -- the board  
18 minutes, where are those kept?

19 A. On the website.

20 Q. They're all public?

21 A. Yes.

22 Q. What about the discussions  
23 in terms of, like, why they're repealing  
24 5150 and implementing Section 103, would

1     that be contained in the board minutes as  
2     well?

3             A.     Notes, minutes are taken.  
4     So if you go to the following month, you  
5     can look at the minutes that were  
6     approved. But perhaps, simply, would be  
7     all of our meetings are recorded and on  
8     the website. So, you could find our  
9     YouTube channel and watch meetings.

10            Q.     Do you know -- happen to  
11     know what meetings where 103 or 5150 were  
12     discussed?

13            A.     If there was discussion --  
14     so, at a typical policy committee  
15     meeting, we could have ten policies that  
16     go before the committee, and then the  
17     committee -- the way the committee  
18     structure works is the committee makes a  
19     recommendation to the full board. So, if  
20     we discussed it in a policy committee  
21     meeting, it would have been two months --  
22     at least two months, maybe three, prior  
23     to when it was adopted.

24            Q.     Okay.

1           A.       So if it was adopted in  
2 November 2020, I would expect that we  
3 discussed it in August of 2020.

4           Q.       Would you have been at those  
5 meetings?

6           A.       Most likely.

7           Q.       Do you recall any discussion  
8 about the 5150 or the 4316 being repealed  
9 and 103 being implemented or drafted?

10          A.       I am certain that we  
11 discussed with counsel. We review every  
12 policy with Mr. Somers and with the chair  
13 of that committee behind closed doors.  
14 Whether or not we discussed it publicly,  
15 I've been to hundreds of school board  
16 meetings, I don't recall.

17          Q.       Do you know whether in the  
18 discussions about those particular  
19 policies, whether any discussion about  
20 this case was entered into?

21          A.       I don't. I don't recall.

22          Q.       Do you know whether those  
23 policies and the changing of policies,  
24 repealing policies, do you know whether



1 any of that had anything to do with this  
2 case?

3 A. I can't answer that question  
4 with confidence. We were going --  
5 reviewing all of our policies to begin  
6 with. Do I think that this case  
7 occurred, and we said, oh, let's jump to  
8 Policy 103, no, I don't believe we did  
9 that as a knee jerk reaction. I do think  
10 they were -- timing-wise, they coincided  
11 fairly closely. In terms of a policy  
12 process, which takes years, I think they  
13 were in close proximity. But I don't  
14 think it was a knee jerk reaction as a  
15 result.

16 Q. What about in terms --  
17 sorry, go ahead.

18 A. I was just gonna say I  
19 thought it -- I think it was part of our  
20 comprehensive process.

21 Q. Okay. So are you saying  
22 that -- you're saying knee jerk reaction,  
23 but there can also be a over time  
24 reaction, you know, that's not maybe knee

1     jerk and, you know, we have to do  
2     something immediately kind of thing. Do  
3     you know whether there was ever, as part  
4     of the discussions, a longer process  
5     reaction of making sure to implement the  
6     issues that came up in this case into  
7     those policies?

8             A.     The question is, do I know;  
9     I don't, I'm not certain. I am sure that  
10    we have learned from this case, and I am  
11    sure that we have had discussions with  
12    Mr. Somers about how we can do things  
13    better. I can't specifically point to  
14    when it comes to the policy development  
15    of Policy 103.

16            Q.     When you say that you're  
17    sure that "we", meaning the school  
18    district, has learned from this case?

19            A.     Mm-hmm.

20            Q.     Yes?

21            A.     Yes.

22            Q.     Sorry. All the answers need  
23    to be verbal, just because of the, the  
24    actual transcript.

1                   What -- when you say we,  
2 meaning the district, has learned from  
3 this case, what did you learn, what do  
4 you mean?

5           A.     Just referencing some of the  
6 conversations that you and I have had  
7 this morning, in terms of documentation,  
8 professional development, that every  
9 incident that happens in the school  
10 district, on a daily basis, we learn  
11 from. So, I believe we have learned.  
12 Specifically? I'm not citing anything  
13 specific. I'm just saying I believe that  
14 we have learned, and I, I think out  
15 policy -- Policy 103 is stronger than  
16 Policy 1250 and Policy 5120 and 4136, I  
17 believe were the numbers -- 4316. I  
18 think I switched them there, but.

19           Q.     But what specifically have  
20 you learned? You said, generally,  
21 documentation, professional development.

22           A.     I assume your questions will  
23 lead us there eventually, but I think  
24 there was a specific notification that

1 was referenced in some of these documents  
2 and the student's profile screen about  
3 her schedule could not change without the  
4 permission of. Those types of things.  
5 Our practice and procedure, I think, have  
6 changed, and we have learned.

7 Q. I mean, I, I know what  
8 you're talking about, with the alert that  
9 was placed on [REDACTED] schedule.

10 A. Sure.

11 Q. What have you learned about  
12 that, what do you mean?

13 A. That was not a tool that was  
14 utilized prior to that incident. So that  
15 is an example of something that we have  
16 learned. We actually explored -- as a  
17 result of this, we explored with the  
18 vendor whether or not something like that  
19 is -- the system was capable of it, and  
20 we learned that it is. So now that's a  
21 tool that is utilized.

22 Q. What other documentation?  
23 That was one of the examples that you  
24 used in terms of what did you learn

1 things from this, this case and  
2 documentation, like we've discussed.  
3 What do you, what do you mean?

4 A. I think it's fair to say  
5 that as a result of a lot of our  
6 trainings, that are principal -- so, I'm  
7 speculating that we had a training from  
8 Mr. Somers about Policy 103 in -- I'm --  
9 February of 2021, if it was adopted in  
10 November of 2020. I could, again, find  
11 that answer. But I believe that our  
12 administrators were doing a better job  
13 recordkeeping and have received  
14 professional development on the forms  
15 that have been provided. So yeah, I  
16 think we are better today than we were  
17 yesterday or five years ago.

18 Q. When you say that they could  
19 have done a better job recordkeeping,  
20 what do you mean?

21 A. I don't recall saying they  
22 could have done. I said we do a better  
23 job now because of the forms and the  
24 documents that need to be completed.

1 That's what I mean.

2 Q. When you say because of the  
3 forms and documents that need to be  
4 completed, is there, like, different  
5 documents or forms that now have been  
6 implemented by North Penn?

7 A. So the forms that were  
8 attached to that policy itself have --

9 Q. To 5150?

10 A. No, to Policy 103.

11 Q. Okay. Those are new forms  
12 that were implemented?

13 A. I believe --

14 Q. Okay.

15 A. Yes.

16 Q. Sorry.

17 A. Yes, I believe so. No,  
18 that's okay. That was my fault.

19 Q. In terms of professional  
20 development, when you say we've learned  
21 things in terms of professional document,  
22 what do you mean?

23 A. I don't think I have  
24 anything additional to add to that.

1 Just, when we receive professional  
2 development about these policies in a  
3 legal update, we had a workshop provided  
4 by Mr. Somers, and at the time I believe  
5 it was Dr. Diegue, specific about the  
6 process pertaining to Policy 103, among  
7 other policies that they were reviewing  
8 that day.

9 Q. Are there other -- other  
10 than 103, are there other professional  
11 development things that you're saying the  
12 district has learned?

13 A. Professional development  
14 things? I guess --

15 Q. I think that was your term  
16 that you had used.

17 A. I guess my answer to that  
18 would be no. Nothing comes to mind.

19 Q. What about in terms of --  
20 I'm going back to the defining roles of  
21 different people in the district -- for  
22 principal, what is their role and  
23 responsibility?

24 A. I would say that the

1 principal's responsibility is to provide  
 2 a safe educational environment for all  
 3 students and staff, and the two most  
 4 important things we always say is taking  
 5 care of kids and educating them. So,  
 6 that's a, a one-liner for the  
 7 responsibilities of a principal. They  
 8 have everything from scheduling, to  
 9 emergency procedures, to supervising  
 10 personnel, dealing with parents,  
 11 community events. You know, I think  
 12 every -- one of the things that's unique  
 13 to the field of education is that  
 14 everyone has experience, everyone. So,  
 15 all the things that most people know  
 16 happen in a school, they're responsible  
 17 for all of those things and more.

18 Q. In terms of sexual  
 19 misconduct of a student, what role does  
 20 the principal have in that, if any?

21 A. I, I think that was pretty  
 22 ambiguous, in terms of the role of sexual  
 23 misconduct. If, if the question was when  
 24 something's reported to them, then I



1 would say that they would contact,  
2 assuming that it falls under the  
3 definition that outlined in the policy,  
4 that they would contact the Title IX  
5 coordinator.

6 Q. You say assuming -- because  
7 the new policy just started. So, is  
8 there a definition in 5150, you're  
9 saying, assuming back then, meaning,  
10 like, from 2014 to 2020, if it was a  
11 definition in 5150, that it would be  
12 reported?

13 A. I think it's reasonable to  
14 expect that if an administrator is aware  
15 of misconduct of that nature, that they  
16 should report it to the Title IX  
17 coordinator or to their immediate  
18 supervisor, if they are not sure. So, I  
19 think it is reasonable to expect  
20 administrators to report that, if they're  
21 aware, yes.

22 Q. Do principals have any  
23 responsibility for investigating Title IX  
24 issues? And when I say Title IX issues,

1 I'm talking about, like, sexual  
2 harassment, sexual misconduct.

3 A. Well, we've, we've already  
4 discussed the preliminary investigation  
5 to determine whether or not it is  
6 something to be reported. And then once  
7 it has been reported, the expectation of  
8 the administrator would be under the  
9 direction of the Title IX coordinator.  
10 So if, for example, Dr. McCue called me  
11 when I was a principal and said, hey, I  
12 need you to ask this person to write a  
13 statement, I would do that.

14 Q. But that's -- you're saying,  
15 like, in that example, that the Title IX  
16 coordinator would be directing the  
17 principal, interview this person, talk to  
18 this teacher or can you pull this  
19 document for me; is that right?

20 A. Yes.

21 Q. When you say sometimes a  
22 principal is going to do, like, a  
23 preliminary investigation to see if  
24 something falls within the realm of

1     needing to be reported to the Title IX  
2     coordinator, how long does that typically  
3     take or should it take to determine that?

4             A.     I wouldn't think it would  
5     take long at all. I mean, certainly  
6     there are circumstances, right?  
7     Something could happen on a Friday and  
8     you're unable to make contact with the  
9     family over the weekend or something like  
10    that. But I would think that a  
11    determination would be very quick, within  
12    that day, of that administrators.

13            Q.     Should principals be making  
14    credibility determinations? For example,  
15    if somebody reports that they were  
16    inappropriately sexually touched, is it  
17    up to the principal to determine whether  
18    or not that's believable, or should that  
19    automatically be reported to Title IX,  
20    for the Title IX coordinator to take  
21    over?

22            A.     I think any time you're  
23    dealing with children, as young as the  
24    age of five, there is some discretion in

1 the fact that, so-and-so said he's going  
2 to bring in a gun and shoot me in the  
3 head. Is that a reasonable accusation.  
4 Were the two kids even in the same room.  
5 Where a kid, he did this to me on the  
6 bus, do they even ride the same bus. So  
7 do I think there's a level of judgment  
8 there, sure. But in a report that is  
9 serious in nature where two students are  
10 close by and it is possible, I would say  
11 that we should -- we would defer to  
12 reporting.

13 Q. Okay. I mean, you used a  
14 five year old example. I understand  
15 that's a bit different than a high  
16 schooler that, you know, isn't a five  
17 year old.

18 A. Right.

19 Q. In a situation where a high  
20 schooler is reporting something that they  
21 were inappropriately sexually touched,  
22 would you agree with me that's something  
23 that a high school principal should not  
24 determine credibility of and it should,

1     instead, just be reported to the Title IX  
2     coordinator?

3                     MS. JORDAN:   Note my  
4     objection to the form of the question.  
5                     You can answer.

6                     THE WITNESS:   Yes.   If it  
7     was reported to the principal, yes.  
8     If the student reported, so-and-so did  
9     this to me, I have full confidence  
10    that our principal would report it.

11  BY MS. LAUGHLIN:

12                    Q.     And that they -- you're  
13    saying, like, from the district's  
14    perspective, that the -- at that point it  
15    shouldn't be a credibility determination  
16    for the principal, it should just  
17    automatically be reported, if a student  
18    in the high school had reported something  
19    like that?

20                    A.     If the student had reported  
21    it, yes.

22                    Q.     What about in terms of  
23    assistant principal, what is their role?

24                    A.     I said these other roles are

1 easier to describe; I'm not sure that's  
2 accurate.

3 Assistant principals at  
4 North Penn High School, for example,  
5 there are two per grade, and I would say,  
6 in many aspects, they reason a school  
7 within a school. They are responsible  
8 for overseeing certain departments. For  
9 example, you might be in charge of  
10 overseeing the science department, the  
11 phys ed department and the tech ed  
12 department. You observe all those  
13 teachers and can -- their goal meetings,  
14 their evaluations, all those things.  
15 Then you have a caseload of students  
16 you're responsible for. And their  
17 parents and communication and school  
18 activities, events like prom and things  
19 like that. So everything from  
20 discipline, to teacher evaluation, to  
21 student activities, to athletics, to --  
22 yeah, so our principals have roughly --  
23 assistant principals, I'm sorry, have  
24 roughly 500 students that they supervise.

1           Q.     Do they have any  
2     responsibilities, assistant principals,  
3     for when sexual misconduct is reported,  
4     in terms of documenting, investigating,  
5     reporting to someone else?

6           A.     The only difference aside  
7     from those aforementioned  
8     responsibilities of a principal would be,  
9     I would expect that the assistant  
10    principal went to the principal first.  I  
11    think that they would contact the  
12    principal, and they would collectively  
13    call the coordinator.

14          Q.     Okay.  I want to jump back  
15    to principals for a second.

16          A.     Sure.

17          Q.     When there's sexual  
18    misconduct reported at their school, I  
19    know you said that should be reported to  
20    the Title IX coordinator, but upon a  
21    finding that sexual misconduct did occur  
22    with a student perpetrating on another  
23    student, do they have any other  
24    responsibilities other than notifying

1 Title IX? For example, if they're in  
2 sixth grade and they're going to seventh  
3 school, is there any responsibility for  
4 that principal to notify the principal of  
5 the middle school?

6 A. Yeah. I think, I think  
7 that's a reasonable expectation. If the  
8 two students -- so, if I'm the principal  
9 of, say, Inglewood Elementary, which is  
10 one of our schools, and those students  
11 went from sixth grade to seven, go to  
12 Penndale Middle School, if two students  
13 in that grade are going to the same  
14 middle school, do I think conversations  
15 occur between the administration and the  
16 counselors to best provide supports for  
17 that student, for students in general,  
18 yes, I do.

19 Q. What if the perpetrating  
20 student is going to the next school, do  
21 you still think that the principal has an  
22 obligation to notify -- or, an  
23 expectation that the principal would  
24 notify the principal of the middle school



1 about the perpetrating student and what  
2 had happened at the elementary school?

3 A. Yeah. That's -- I think  
4 it's something that I would do. I do  
5 think it's difficult when you have, say,  
6 Penndale Middle School, for example, has  
7 400 kids in each grade, so over 1,200  
8 students. Do I think they sit down and  
9 go over every infraction for every  
10 student, I don't. But I do think they  
11 sit down and discuss students in between  
12 years and discuss academic supports,  
13 behavioral supports, special education  
14 supports, all those things.

15 Q. Is there any practice or  
16 policy that the district puts out, or  
17 trainings on, of what things should be  
18 communicated from the principal of an  
19 elementary school to the principal of a  
20 middle school, or even middle school to  
21 high school?

22 A. Could you ask -- I got lost  
23 in the details at the end. Could you ask  
24 the initial question, again.

1 Q. Sure.

2 Is there any practice or  
3 policy of the district that certain  
4 things, for instance, something as  
5 serious as sexual misconduct, that that  
6 gets reported from level to level through  
7 the principals?

8 A. I don't know that there is a  
9 formalized process --

10 Q. Is there --

11 A. -- in terms --

12 Q. Sorry, go ahead.

13 A. No. I don't know that  
14 there's a formalized process, that the  
15 expectation is that you report,  
16 delineated in a document of sorts. Do I  
17 think that there is a practice of  
18 principals sitting down each summer, I  
19 do. I know that middle school and high  
20 school assistant principals absolutely  
21 sit down together, because I was a  
22 principal of the high school, and  
23 assistant principals would go and meet  
24 with the middle school assistant

1 principals during the summer. But in  
2 terms of a formalized practice, written  
3 down, I don't know that there is. I  
4 don't believe there is.

5 Q. What about informal, is  
6 there any informal direction on what  
7 types of things must get communicated  
8 from one level to the next?

9 A. No.

10 Q. When you said that -- I  
11 asked you about the elementary school  
12 communicating sexual misconduct to the  
13 middle school, and you said that's  
14 something that I would do --

15 A. Mm-hmm.

16 Q. -- right?

17 Yes?

18 A. I did, yes.

19 Q. Why, why is that something  
20 that you would do?

21 A. Well, I think we answered  
22 that question in your last question. So,  
23 I don't know that there's a formal  
24 process written down from the elementary

1 to the middle schools. But I do know  
2 that our principals meet to discuss  
3 incoming students, and in particular, if  
4 there are conflicts with two students who  
5 are coming into your school, that they  
6 would discuss.

7 Q. But I think -- I mean, I'm  
8 asking specifically about sexual  
9 misconduct with students, and I thought  
10 that your answer was that that would be  
11 something that you would communicate --  
12 if you -- to the next level. I'm asking,  
13 why is that, why is that specifically  
14 something that you would communicate to  
15 the next level?

16 A. I'm trying to be literal  
17 with your question.

18 Because I think I would sit  
19 down with the middle school principal, if  
20 I was the elementary school principal,  
21 and I believed that I would -- as I did  
22 as a high school assistant principal -- I  
23 would sit down and discuss the needs and  
24 concerns with students. I believe that

1 would be on the list of things that I  
2 discussed.

3 Q. Would it be, in part, to  
4 make sure or try and prevent or -- this  
5 student from doing something similar at  
6 the next level?

7 A. I think the motivation  
8 behind that communication is exactly  
9 that. You sit down to describe the needs  
10 and supports for students, to help them.  
11 So, yes, I think that's fair to say.

12 Q. What about in terms of why  
13 the other motivation behind what you're  
14 saying, I would do that, is to make  
15 sure that other students that the  
16 perpetrator -- alleged perpetrator may be  
17 around would also be kept safe; is that  
18 true?

19 A. I don't, I don't delineate  
20 between your last question and this  
21 question. The motivation behind having  
22 those conversations is to help support  
23 students. That's, that's the answer to  
24 this question as well.

1           Q.       Would it also be, though --  
2       because, I mean, to support students, you  
3       know, the person who did the misconduct,  
4       the sexual misconduct, you're saying they  
5       would need support, or they could need  
6       supports. But I'm asking, differently,  
7       not that student but the other students  
8       that are surrounding that student,  
9       further motivation to try to ensure that  
10      those students are safe from a situation  
11      that had occurred previously?

12                   MS. JORDAN: Objection,  
13      asked and answered.

14                   You can answer, again.

15                   THE WITNESS: Sure.

16                   The motivation behind that  
17      conversation that I have described is  
18      to help support students and, and to  
19      maintain an orderly school  
20      environment. So --

21   BY MS. LAUGHLIN:

22           Q.       When you --

23           A.       -- that's why we would meet.

24           Q.       When you say support

1 students, are you also -- because you  
2 talked about, like, supporting the  
3 student that was alleged to have  
4 committed the conduct -- are you also  
5 talking about supporting other students  
6 in the school?

7 A. Yeah. As a principal, I  
8 feel it's my responsibility to support  
9 all kids, yes.

10 Q. And how is you communicating  
11 a student's prior misconduct helping to  
12 support the other kids in the school?

13 MS. JORDAN: Objection,  
14 asked and answered.

15 Go ahead.

16 THE WITNESS: I think the  
17 more information --

18 MS. LAUGHLIN: Sorry, just  
19 for the record.

20 It wasn't asked and  
21 answered. This is a different  
22 question.

23 BY MS. LAUGHLIN:

24 Q. But you can answer.

1           A.     The think the more  
2     information you have about students, the  
3     better you can support them, and that's  
4     for all kids. So, I would want to know,  
5     as the building principal, anything that  
6     I could to help provide a better  
7     environment for all of my students.

8           Q.     Would that include keeping  
9     them safe?

10          A.     Of course. I want to keep  
11     all kids safe.

12          Q.     What about the  
13     superintendent, what's the  
14     superintendent's role?

15          A.     The superintendent's role  
16     in, what, in particular?

17          Q.     Just, overall, do you have  
18     an understanding of -- or are you saying  
19     that there's so many things that -- job  
20     responsibilities?

21          A.     Yeah. I mean, so it's the  
22     CEO of the organization, right? So I'm  
23     responsible for the budget, for  
24     communicating with the school board, for



1 setting agendas for meetings, setting  
2 expectations of employees, and that's --

3 Q. What about in terms of  
4 student misconduct, just to cut down to?

5 A. Most student misconduct  
6 infractions are handled at the building  
7 level, an overwhelmingly majority of  
8 them. Something that would make its way  
9 to my level is usually handled at that  
10 point, and if it is egregious, the  
11 superintendent would be involved.

12 Q. Is the superintendent, are  
13 they involved at all in, in Title IX  
14 student sexual misconduct, sexual  
15 harassment?

16 A. So, such incidents are  
17 pretty confidential. So I don't know  
18 about conversations between the  
19 superintendent and the Title IX  
20 coordinator. So I can't describe what he  
21 knows. But I can tell you, in, in North  
22 Penn, Dr. Dietrich is very involved in  
23 many, many things. So, yeah, I can't, I  
24 can't speak to the specificity of the

1 conversation between the Title IX  
2 coordinators and -- coordinator and the  
3 superintendent. But I assume he is, he  
4 is aware that an investigation is  
5 occurring, yes.

6 Q. Do you know whether the  
7 superintendent, just, does he have the  
8 authority or the ability to talk to just,  
9 say, principals and things and implement  
10 things at the, the building level?

11 A. Sure.

12 Q. Like, he has the authority  
13 to do so?

14 A. Implement things, yes,  
15 certainly.

16 Q. Well that's pretty broad.  
17 So let me be more specific as well, so  
18 we're clear.

19 In terms of, like, asking  
20 for a safety plan to be put in place, is  
21 that something that he would have the  
22 authority to do, to go to the building  
23 administrator and say, hey, can you put a  
24 safety plan in place for this student?

1           A.       Absolutely.

2           Q.       If a safety plan was needed  
3 on a student, would you have the  
4 expectation -- and the superintendent was  
5 aware of that -- would you have the  
6 expectation on behalf of the district  
7 that the superintendent would communicate  
8 that to the principal, whoever, you know,  
9 would be actually able on the ground?

10          A.       Can you ask the question one  
11 more time?

12          Q.       Yeah.

13               MS. LAUGHLIN: Are you able  
14 to repeat the, the question I just  
15 asked?

16               THE WITNESS: I'm not. I --

17               MS. LAUGHLIN: No, sorry.  
18 Not you, I meant the court reporter.

19               THE WITNESS: Oh.

20               MS. LAUGHLIN: I know that  
21 you couldn't.

22               THE COURT REPORTER: Yeah,  
23 one second.

24               MS. LAUGHLIN: Thank you.

1 THE COURT REPORTER:

2 Question: If a safety plan was needed  
3 on a student and the superintendent  
4 was aware of that, would you have the  
5 expectation on behalf of the district  
6 that the superintendent would  
7 communicate that to the principal or  
8 whoever would be actually on the  
9 ground?

10 THE WITNESS: Okay. I  
11 don't, I don't know that that is  
12 practical, in that -- so there's a  
13 couple hypotheticals in the question;  
14 if this is needed, if they knew about  
15 it, would you expect. I, I don't know  
16 that a superintendent, who is involved  
17 at the granular level, that this  
18 student needs a safety plan. I would  
19 expect that the superintendent asks  
20 questions, how are be supporting this  
21 student and what do you need from me.  
22 But I can't recall a time in my seven  
23 years here that Dr. Dietrich has said,  
24 Tod, or said principal, I would like

1       you to implement a safety plan.

2       That's something that occurs at the  
3       building level, not at the  
4       superintendent level.

5   BY MS. LAUGHLIN:

6               Q.       But if the superintendent is  
7       the one who knows, just say, for example,  
8       and the high school principal maybe  
9       doesn't, I mean, does the superintendent  
10      have the ability or authority to make  
11      sure that that message, if that's needed,  
12      gets down to where it can be implemented  
13      at the school level?

14               MS. JORDAN:   Note my  
15      objection to the form of the question.  
16               You can answer.

17               THE WITNESS:   So the -- it  
18      is my belief, wholeheartedly, that if  
19      Dr. Dietrich, or the superintendent,  
20      knew that a safety plan was to be  
21      implemented for a student and one was  
22      not implemented, I wholeheartedly  
23      belief that he would set that  
24      expectation and direct it to be done.

1 But I don't think it is within a  
2 normal scope of his job, for -- to  
3 direct building teams to setup  
4 individualized safety plans for kids.

5 BY MS. LAUGHLIN:

6 Q. I want to ask you about  
7 the -- it's my understanding there's a  
8 director of elementary education,  
9 director of secondary education and a  
10 director of special education. Are they  
11 all on the same level in terms of  
12 hierarchy?

13 A. Yeah. So there is not a  
14 director of secondary.

15 Q. Okay.

16 A. There's a director of  
17 elementary. If you recall, we described,  
18 back in 2018, that was when we had two  
19 assistant superintendents. There was a  
20 consolidation at that point. So, the  
21 director of secondary job no longer  
22 existed. I took on that role. So there  
23 are two assistant superintendents, a  
24 director of elementary and a director of

1 special ed, district of curriculum,  
2 director of technology, all of those  
3 positions. Would I say they are all on  
4 the same level? I think, in any  
5 organization, there's a hierarchy of  
6 sorts, but in general, they're all  
7 cabinet level administrators, and I, I  
8 would say there's a clear delineation.  
9 In the group that I previously  
10 referenced, it's the operations team,  
11 which would be the superintendent, two  
12 assistant superintendents, director of HR  
13 and CFO. They -- excuse me -- they are  
14 at the top of the ladder, if you will, in  
15 this organization, and then you have the  
16 directors, who are all on a parallel  
17 plane.

18 Q. What's the role of the  
19 director of elementary education? And  
20 when I'm asking these questions, I'm  
21 asking from just, say, 2014 up through  
22 the present. I don't know if it's  
23 changed at all, but let me know that,  
24 please, if it has.

1           A.       I would say that, to  
2   supervise all of the happenings in our  
3   elementary schools, collaborating with  
4   the curriculum department and special ed  
5   department, as it pertains to elementary  
6   school, and then the director of  
7   elementary, in this district, has other  
8   responsibilities as well. Sometimes  
9   those responsibilities can rotate, but  
10  here, right now, director of education  
11  oversees home school, McKinney-Vento  
12  Homelessness, boundary alignment, at  
13  times, they have their hands in, if we  
14  need to make some shifts because some  
15  schools are overpopulated. So, those are  
16  just some examples. But the workings of  
17  our elementary -- 13 elementary school  
18  buildings.

19           Q.       Okay. And there's one  
20  director of elementary ed for those 13  
21  buildings?

22           A.       Yeah.

23           Q.       And was that Betty -- Dr.  
24  Betty Santoro, was that her role?



1           A.     Yes.   Just recently retired.

2           Q.     Does the director of  
3 elementary education have the authority  
4 to implement things or communicate to  
5 people so they could implement things, in  
6 terms of student safety and student  
7 discipline at the school level?

8           A.     Yes.

9           Q.     What is the difference with  
10 the director of special education?

11          A.     The director of special ed,  
12 I mean, I think that the answer is in the  
13 name.  The director of special education  
14 oversees all things related to special  
15 education.  So, all students and services  
16 with identified disabilities.

17          Q.     So a student that's  
18 receiving special education services  
19 would also -- kind of like the overlap  
20 we talked about earlier in your  
21 deposition -- the elementary education  
22 director and the special education  
23 director would overlap for special  
24 education students in elementary?

1           A.       Yeah.  There would be some  
2   overlap, yes.

3           Q.       Does the director of special  
4   education also have the authority to  
5   implement safety-type things at the  
6   building level for a student?

7           A.       I wouldn't say at-large, but  
8   for students with disabilities, yes.  As  
9   it pertains to students with  
10  disabilities, yes.

11          Q.       Okay.  And the supervisor of  
12  special education, what's the difference  
13  between that and the director of special  
14  education?

15          A.       I think you could draw  
16  parallels with the director of elementary  
17  and the principals.  It's very similar  
18  with the director of special education  
19  and the special ed supervisors.  They're  
20  also administrators, and they're direct  
21  report, it's not the principal of their  
22  building, it's the director of special  
23  ed.

24          Q.       Okay.  So in terms of

1 authority level and what they -- roles  
2 are or what they have the authority to do  
3 or not do, the supervisor of special  
4 education is similar to or in line with  
5 the director of special education?

6 A. That's accurate, yes.

7 Q. And you said, in terms of  
8 the director of elementary education,  
9 that is in line with or equal to, in a  
10 sense, the authority of the principal of  
11 elementary?

12 A. No. No. I didn't say that.

13 Q. Okay. I think I  
14 misunderstood, then, what you were  
15 saying.

16 A. So, the question was what is  
17 a special education supervisor, and I  
18 said you could consider kind of the  
19 relationship between the director of  
20 special ed and the special ed supervisor  
21 to be similar to the relationship between  
22 director of elementary and the principal.  
23 I wouldn't say that the principal and the  
24 director of special ed. Those are, those

1 are two different spots. These two, the  
2 supervisor and the principal, yes,  
3 similar playing field, similar salary,  
4 similar responsibilities, in terms of  
5 significance of their responsibilities.  
6 That's fair to say.

7 Q. Sorry, just to clarify.  
8 I thought you were saying  
9 the director of elementary education  
10 would be on similar --

11 A. As the director of special  
12 ed, yes.

13 Q. Okay. And then who would be  
14 on a similar level to the principal,  
15 then?

16 A. The supervisor.

17 Q. Supervisor of special  
18 education?

19 A. Similar, yes. Not the same,  
20 but similar, yes.

21 Q. Yeah, I -- I mean, one's the  
22 principal of the building. I understand  
23 that there are some differences, but I  
24 understand what you're saying. Thank you

1 for clarify that.

2 MS. LAUGHLIN: Is this a  
3 good time to take a break? Well why  
4 don't we go off the record for a  
5 minute.

6 THE VIDEOGRAPHER: We're  
7 going off video record, the time is  
8 12:19 p.m.

9 - - -

10 (A recess occurred.)

11 - - -

12 THE VIDEOGRAPHER: We're  
13 back on video record. The time is  
14 12:36 p.m.

15 THE WITNESS: Excuse me.

16 BY MS. LAUGHLIN:

17 Q. Dr. Bauer, we're just coming  
18 back from our break in the afternoon. I  
19 wanted to ask you a follow-up question.

20 Are you familiar with the  
21 Title IX coordinator having Title IX  
22 point persons?

23 A. Yes, I am.

24 Q. What's your understanding of

1     that?

2             A.     I don't -- I'm not familiar  
3     with interworkings, but I believe there's  
4     one in athletics and just one, in  
5     general, related to students. That's my  
6     understanding.

7             Q.     What's the role of the one  
8     that is related to students?

9             A.     The actual individual's  
10    title?

11            Q.     Well, do you know that they  
12    have a title?

13            A.     So the individual is the  
14    currently the supervisor of pupil  
15    services, I believe.

16            Q.     Supervisor of pupil  
17    services?

18            A.     Yes.

19            Q.     Was that a title from 2014  
20    to 2018?

21            A.     That title has moved. So,  
22    in 2014, again, that's prior to me being  
23    employed by North Penn, but I believe  
24    that it was Dr. Jenna Rufo at the time.

1 She was director of special education and  
 2 pupil services. Then in -- when Dr. Rufo  
 3 and I became assistant superintendent,  
 4 Mr. Jim Galante is our principal of our  
 5 Northbridge program and supervisor of  
 6 pupil services. So it -- when we hired a  
 7 new director of special ed to replace Dr.  
 8 Rufo, we moved the pupil services  
 9 component from that position to  
 10 Mr. Galante. That's what I recall.

11 Q. So in addition to the Title  
 12 IX coordinator, there's a director of  
 13 pupil services that also serves as a  
 14 point person for Title IX?

15 A. Supervisor of pupil  
 16 services, yes. So I -- to my knowledge,  
 17 the services of that individual, or these  
 18 individuals in general, has not been  
 19 necessary. I think initially the thought  
 20 was that there was going to be an  
 21 abundance, just in the nature of a  
 22 13,000-student district, that there would  
 23 be many investigations, and it was to  
 24 provide support. But to my knowledge,

1 they have not been involved in  
2 investigations.

3 Q. From 2014 to 2018?

4 A. I can only point to since my  
5 time as an assistant superintendent.  
6 So --

7 Q. 2015 to 2018?

8 A. 2018 to present. I don't  
9 know that they've been involved in any  
10 Title IX cases.

11 Q. What about -- so that's just  
12 2018 to the present. You're here today  
13 as a representative of the school  
14 district. So, I'm asking --

15 A. I'm aware.

16 Q. I'm sorry?

17 A. I just said, "I'm aware." I  
18 understand.

19 Q. So I'm asking, in that  
20 capacity, do you know whether that  
21 director of pupil services, whether that  
22 person has been involved in any Title IX  
23 capacity on behalf of the district?

24 A. I am not aware of that



1 person being involved, no.

2 Q. But you're saying, if there  
3 was an abundance, I think was the word  
4 you used, an abundance of reports or  
5 something like that, where it would be  
6 more than what the Title IX coordinator  
7 would handle, they would be the second in  
8 line, is that fair to say?

9 A. I think they would provide  
10 some support, yes.

11 Q. In situations, though, where  
12 there is, like, too many reports --

13 A. Correct.

14 Q. -- for the Title IX  
15 coordinator?

16 A. Correct.

17 Q. The role of the Title IX  
18 coordinator that you told us earlier in  
19 the deposition, has that -- as far as you  
20 know, from 2014 to 2018 -- has that  
21 always been the process and the role, or  
22 has that changed over time?

23 A. Over time, of course it has  
24 changed. In my -- in -- since 2014 or

1 2015, I do believe that that has been the  
2 role.

3 Q. Okay.

4 A. As explained by me earlier  
5 on, yes.

6 Q. Okay. Is there certain  
7 obligations of the district if sexual  
8 misconduct is substantiated, meaning that  
9 there is a finding after an investigation  
10 that it did occur?

11 A. I'm sorry, say that again.

12 Q. Yeah.

13 Is there any obligations  
14 of the district or is there something  
15 that the district is supposed to do if  
16 sexual misconduct in a student is  
17 substantiating -- substantiated?

18 A. Certainly, yes.

19 Q. What would be the next step,  
20 what is the obligation of the district at  
21 that point?

22 A. I think it depends on the  
23 severity of the finding. But certainly,  
24 to provide the, the appropriate

1 consequences and the necessary supports  
2 for both students. I think that's  
3 reasonable to say.

4 Q. Okay. And who determines  
5 what those will be?

6 A. Good question. I think  
7 there would be layers to it. So, for  
8 example, if, if one student was going to  
9 go to another school, if we were -- if,  
10 if that was an outcome, the student will  
11 no longer attend this school, then that,  
12 that would be directed by the Title IX  
13 coordinator and then implemented by the  
14 building teams. In terms of counseling  
15 support for a student, special education  
16 supports, that would be the IEP team. So  
17 it kind of depends on what those things  
18 were. I think you could see the Title IX  
19 coordinator, the director of special ed,  
20 the director of elementary, the assistant  
21 superintendent being involved, if  
22 necessary, depending on what those things  
23 were. And in the building level, all the  
24 way down to the teacher in the classroom

1 and maybe the aide in the classroom, if  
2 there is one. So, it could be anybody  
3 that interacts with either child or any  
4 of the children to implement those  
5 findings -- those -- what's the word --  
6 measures, there ya go.

7 Q. And that could include the  
8 principal as well, the building  
9 principal?

10 A. Of course.

11 Q. Are you familiar with the  
12 state's requirements for reporting  
13 student sexual harassment?

14 A. I'm -- yes, I'm familiar --  
15 if you're referencing mandated reporters  
16 and Act 126 and things related to what,  
17 you know, what the look-fors are and our  
18 responsibility to report, yes.

19 Q. Okay. Can you take me  
20 through that, you said what our  
21 responsibilities to report are.

22 A. Yeah. So my understanding  
23 is that if we believe that a student has  
24 been abused or harassed, that it should

1 be reported immediately, within -- I  
2 forget what the -- I recall, when I  
3 initially learned this, maybe back in --  
4 whenever the Act 126 came out, I don't  
5 know if they used the word practicable,  
6 but within reason, it is to be reported,  
7 in a reasonable amount of time. And it  
8 did shift right around then from  
9 reporting it to your supervisor to  
10 reporting it directly to child line.

11 Q. Do you have -- sorry.

12 A. No, that's okay. Go ahead.

13 Q. Do you have an estimate of  
14 when that switched?

15 A. I'm going to guess 2012 or  
16 '13.

17 Q. Okay. So prior to, like --  
18 I mean, here, we're talking about  
19 situations that occurred in the fall,  
20 starting in the fall of 2014 --

21 A. Yup.

22 Q. -- and onward. So it was  
23 before then?

24 A. Yes.

1           Q.     And when you say any time a  
2 student is being abused or harassed, you  
3 report it to child line. What, what is  
4 defined as a student being abused or  
5 harassed?

6           A.     I think misconduct -- sexual  
7 misconduct is any unwanted, whether it's  
8 verbiage or vernacular, teasing, anything  
9 physical. It could even be kids showing  
10 another child inappropriate pictures on a  
11 phone. It's, it's difficult to define,  
12 of course. I think a Supreme Court  
13 justice said, "I know it when I see it."  
14 But that's how I would define sexual  
15 abuse or harassment, unwanted touching --  
16 without consent -- touching, overtures,  
17 vernacular, teasing, so.

18          Q.     When you say without  
19 consent, is there an understanding of is  
20 there a certain age or -- like, a certain  
21 age that, under that, like, you cannot  
22 give consent, are you familiar with that?

23          A.     Yeah. I think the age is, I  
24 think the age is 14.

1           Q.     And a student's hand going  
2     up the shirt of another student's --  
3     sorry -- a student's hand going up the  
4     shirt of another student, is that within  
5     the definition of abuse and harassment,  
6     as you defined it?

7           A.     That's, that's a difficult  
8     question to answer. I think that would  
9     be -- I would expect it to be reported,  
10    yes. Does it fit the definition of  
11    harassment or abuse, I think it warrants  
12    further investigation, regardless. But I  
13    don't know that it does. If it's  
14    something that I perceive to be  
15    consensual. I don't know if it fits the  
16    definition of abuse or harassment.

17          Q.     What if it's among kids that  
18    are under age 14, or even, say, kids that  
19    are around 11?

20          A.     Do I think it's appropriate  
21    behavior, no. Do I think it should be  
22    reported, yes.

23          Q.     When you say further  
24    investigation should be determined to see

1    whether there was consent, is kind of  
2    what you were saying; is that right?

3           A.     To determine whether or not  
4    it, it fits the classification of abuse  
5    or harassment, sure. I think that comes  
6    into play of that determination, yes, I  
7    do.

8           Q.     Would, would that still be  
9    the case if the students we're talking  
10   about misconduct occurring between or at  
11   the elementary school level?

12          A.     I, I -- yes, yes. Whether  
13   or not it's abuse or harassment, yes. I  
14   still -- as I previously stated, I still  
15   believe it to be inappropriate and  
16   something that should be reported.

17          Q.     Okay. When you say, "be  
18   reported", you're talking about Child  
19   Line, correct?

20          A.     If nothing else, to your  
21   immediate supervisor for support. I  
22   think we work in a, in a business and a  
23   world where there's a lot of support for  
24   people, and if you didn't know what



1   you're supposed to do, you could ask or  
2   seek guidance from many people.  So I --  
3   if the individual at the time wasn't sure  
4   that they were supposed to report it to  
5   Child Line, I believe that the question  
6   should have been asked and it should have  
7   been reported, yes.

8           Q.     Okay.  And then the building  
9   principal or whoever the supervisor would  
10   have been, that would have been the  
11   expectation, that they would have  
12   reported it to Child Line?

13          A.     My expectation would be the  
14   same.

15          Q.     Okay.

16          A.     Whether it's reporting to  
17   Child Line or reporting to your immediate  
18   supervisor because you need support,  
19   either way.  I don't believe it's  
20   something that you, you don't take  
21   further steps.

22          Q.     Are there certain state  
23   requirements for reporting of, like,  
24   sexual misconduct or sexual harassment or

1 things like that, like a statewide  
2 system?

3 A. I am only aware of indirect  
4 reporting. So, for example, we report to  
5 Child Line, they notify the police and  
6 if, if they report any specific system.  
7 But I am not aware of us filing something  
8 in a specific system related to sexual  
9 misconduct.

10 Q. At the end of the, the  
11 school year, once a year or something  
12 like that, is there any kind of, like,  
13 general reporting for Pennsylvania of,  
14 like, how many instances of sexual  
15 harassment or how many instances of --

16 A. Yes.

17 Q. -- whatever, is there  
18 something that exists for Pennsylvania  
19 like that?

20 A. There is.

21 Q. And so, are you familiar  
22 with that, then, and, and the reporting?

23 A. I'm unfamiliar to the extent  
24 that the reporting occurs, that it is --

1 the incidents are reviewed from our  
2 coordinator of safe schools and emergency  
3 management with the principal, and then  
4 that individual goes and meets with the  
5 police chief and their respective  
6 departments, and everyone signs off, and  
7 then that gets reported.

8 Q. Is that on an annual basis?

9 A. It is.

10 Q. When you say the principals,  
11 the principals of each school in the  
12 district --

13 A. Yes.

14 Q. -- meets with these people?

15 A. The coordinator of safe  
16 schools and emergency management meets  
17 with each principal to ensure that they  
18 have all the incidents under given  
19 categories outlined. Once they settle up  
20 the report and they agree that their  
21 reports match, then that individual meets  
22 with, I believe we have seven  
23 jurisdictions within our school district,  
24 and he meets with each of the seven to go

1 over the report to make sure that the  
2 police reporting and our reporting  
3 aligns, and then it's submitted to the  
4 state.

5 Q. The coordinator of safe  
6 schools, how long has that been -- like,  
7 the -- what you just described to me, the  
8 practice, has that been the case since  
9 2014?

10 A. I think there were two  
11 questions there. The position has not  
12 been titled coordinator of safe schools  
13 and emergency management, but the process  
14 for reporting each year has, yes.

15 Q. Okay. It was just maybe a  
16 different title, but the same role and  
17 idea, whatever that title was?

18 A. Sorry, I just splashed.

19 Yes, that's correct.

20 Q. Who is that person for the  
21 district?

22 A. His name is Chris Doerr,  
23 D-O-E-R-R, Doerr.

24 Q. And has -- is it Mr. Doerr?

1           A.     It is.

2           Q.     Has Mr. Doerr been in that  
3     role for as long as you can recall with  
4     the district?

5           A.     He was not. Prior to him  
6     was a gentleman named Mr. Ray Wilson. I  
7     would say that Mr. Doerr went into the  
8     position, I think, actually, it was right  
9     around when I went into assistant  
10    superintendent. I would guess sometime  
11    in 2018.

12          Q.     And then Ray Wilson was the  
13    person before that?

14          A.     Yes.

15          Q.     What's Ray Wilson's  
16    background, if you --

17          A.     Law enforcement.

18          Q.     And so he actually, like,  
19    works for the district, helping to  
20    compile --

21          A.     Yeah. He --

22          Q.     -- these documents?

23          A.     He was the head of security  
24    while he was here.

1           Q.     And how long was he head of  
2 security at North Penn?

3           A.     When I was new to the  
4 district in 2015, he had been there for  
5 quite sometime, I believe. I don't know  
6 the -- I would guess ten years or so;  
7 that's an estimate.

8           Q.     So Mr. Wilson or Mr. Doerr,  
9 they're relying on information the  
10 principals provide to them to compile  
11 this data; is that correct?

12          A.     Yeah. That's -- not --  
13 what's the word -- is it rectifying,  
14 where you kind of -- almost like an  
15 audit. So, our security team takes  
16 reports, and we have our incident reports  
17 on Infinite Campus, and they make sure  
18 that they are aligned. So, he makes sure  
19 that what we have, then aligns with what  
20 the police have. So, both institutions,  
21 organizations keep record of police phone  
22 calls, number of arrests, citations, all  
23 those things. So that's, that's what  
24 they are aligning.

1 Q. Did you say -- sorry, go  
2 ahead.

3 A. I just don't think the -- I  
4 think you framed the question in a way  
5 that, is it the responsibility of the  
6 principal to give the information. I  
7 think they make sure that the information  
8 that Mr. Doerr has and the principal has  
9 align, and then they go and check with  
10 the police.

11 Q. Okay. Who's actually making  
12 the report, then, to the state, is it the  
13 police, or does the district do that  
14 through, like, Mr. Doerr or Mr. Wilson?

15 A. I believe we file it.

16 Q. Okay. When you say he  
17 checks for incident reports in Infinite  
18 Campus --

19 A. Mm-hmm.

20 Q. -- remind me, again, when  
21 did Infinite Campus come into existence?

22 A. This is year two of Infinite  
23 Campus. Yeah, '19/'20 was Infinite  
24 Campus' first year. Prior to that, we

1     used eSchool, and I think the question --  
2     I'm seeing a confused look on your  
3     face -- the question pertains to when  
4     electronic discipline went into place,  
5     and I had said to you that was '15/'16,  
6     because it started in eSchool.

7             Q.     When you say '15/'16 -- oh,  
8     2015/2016.

9             A.     (Nodding.)

10            Q.     Okay.  When you're say  
11     '19/'20, you're saying 2019/2020?

12            A.     Yes.

13            Q.     Okay.  And so eSchool was  
14     the app or the --

15            A.     SIS.

16            Q.     SIS.

17            A.     I thought you knew the terms  
18     by now.

19            Q.     Thank you.  I forgot.  It's  
20     been -- I've been talking about many  
21     things since then.

22            A.     Yeah.

23            Q.     ESchool was the SIS that the  
24     district used before --



1 A. Yes.

2 Q. -- Infinite Campus?

3 A. Yes.

4 Q. I know earlier you told me  
5 that Infinite Campus really didn't deal  
6 with, like, the elementary, that was all  
7 still kept in paper records?

8 A. Yes. So, we did -- we  
9 transitioned to electronic discipline at  
10 the secondary level when I got to North  
11 Penn in 2015, because as the new  
12 principal, I didn't appreciate the paper  
13 process, I wanted it to be electronic.  
14 So secondary moved to it, I believe, in  
15 '15/'16 and then elementary thereafter,  
16 and this was in eSchool. And then in  
17 '19/'20, we switched student information  
18 systems from eSchool to Infinite Campus.

19 Q. Okay. Was everything that  
20 was in eSchool brought over into Infinite  
21 Campus?

22 A. Not everything.

23 Q. Student discipline,  
24 misconduct, Title IX things, was that

1 brought over?

2 A. No. It was warehoused.

3 Student discipline was warehoused, so

4 that it was acceptable. But it was not

5 transposed or -- into Infinite Campus.

6 IEPs, that was a labor of love, took a

7 long time to get all that information in,

8 medical records, all those things. But

9 discipline, I believe the two systems

10 didn't talk. That said, we didn't have

11 electronic discipline until '16/'17. I

12 could be off by a year, honestly. It

13 might be '17/'18, for elementary, but I

14 believe it was only one or two years of

15 elementary discipline in eSchool until we

16 transitioned to Infinite Campus.

17 Q. Okay. Title IX

18 investigations, things like that, was any

19 of that kept in eSchool?

20 A. No.

21 Q. When you said the transition

22 from eSchool to Infinite Campus,

23 discipline files were warehoused,

24 where -- what does that mean, where are

1     they?

2             A.     Just a -- there's an  
3     extract.    So we no longer have eSchool.  
4     So we had to extract the data, so we have  
5     it electrically. I believe that is  
6     actually some of the objects provided in  
7     this packet were out of eSchool. So  
8     we're able to access it, but you can't  
9     access it from Infinite Campus. You have  
10    to actually open the separate program  
11    that we no longer use.

12            Q.     Where is it actually kept,  
13    though? Is it -- like, I know sometimes  
14    the district uses, like, Google Drive and  
15    stuff like that.

16            A.     I think on our server. Our  
17    technology department has that.

18            Q.     Okay. And so when was that  
19    that you went to Infinite Campus?

20            A.     Infinite Campus was in  
21    2019/'20 --

22            Q.     Okay.

23            A.     -- that school year.  
24    '20/'21 -- or, I'm sorry -- '15/'16 is

1 when, I believe, we started, and again, I  
2 think I might be off by a year. I'd have  
3 to look that up. But we started one year  
4 with secondary electronic discipline and  
5 then the following we did elementary. So  
6 it might be '16/'17 for secondary and  
7 then '17/'18 for elementary. It's give  
8 or take a year.

9 Q. Did any of the written files  
10 from elementary get input into the  
11 electronic version, once you went that  
12 route in 2015 or so?

13 A. I don't think so. The only  
14 things that were electronic were the  
15 things that were initially -- in terms of  
16 discipline -- were initially put in  
17 electrically.

18 Q. When you say discipline, are  
19 you also including, like, student  
20 misconduct, and even if a student wasn't,  
21 like, disciplined, would that still --

22 A. Yeah.

23 Q. -- in that category?

24 A. If a student was written up,

1 it would be there, yes.

2 Q. What about if, you know,  
3 there were reports of sexual misconduct  
4 with a student, is that in that  
5 discipline category you're talking about?

6 A. Since the onset of using  
7 electronic discipline, yes, it would be  
8 in there.

9 Q. Sorry. Did you say, the  
10 paper files, they did or did not get  
11 input into eSchool?

12 A. No, they did not.

13 Q. What happened to the, like,  
14 paper documentation or files?

15 A. So, paper documentation of a  
16 student's file would go back to our  
17 conversation about the cume file. So  
18 from middle school to high school,  
19 typically, you have the documents that I  
20 mentioned in there, they do get purged,  
21 things -- what can be as thick as several  
22 inches does get simplified as all 1,000  
23 tenth graders come in, and it's the  
24 things that are required when a student

1 applies to college, like attendance,  
2 grades, things of that nature. And then  
3 everything from thereon is, of course,  
4 everywhere now is entirely electronic.

5 Q. Would documentation of  
6 sexual misconduct of a student, would  
7 that be one of the things that would be  
8 purged when it's moving file from one  
9 school to the next?

10 A. No. Because it would be  
11 represented in their discipline.

12 Q. What if the student  
13 wasn't -- because the discipline is  
14 just saying, like, what the discipline  
15 was, it's not, like, all the, the details  
16 that would have existed beforehand.

17 A. I would --

18 Q. Do -- go ahead.

19 A. I would expect that to be in  
20 the Title IX coordinator's file of the  
21 case itself.

22 Q. Does that get purged in  
23 any -- at any level?

24 A. Not to my knowledge, no.

1           Q.     Do you know how long those  
2 documents are obtained?

3           A.     I, I -- in terms of Title IX  
4 coordinator's investigations, I would  
5 assume in perpetuity. I think it would  
6 be forever.

7           Q.     What if the, the Title IX  
8 coordinator wasn't the one to do the, the  
9 investigation into sexual misconduct and  
10 it was at the principal level, just say  
11 the elementary school, where would you  
12 expect those documents to be kept?

13          A.     Now, I would certainly  
14 expect those documents to be kept with  
15 the Title IX coordinator.

16          Q.     Okay. In terms of -- are  
17 you familiar with the Office of Civil  
18 Rights reporting?

19          A.     I am. Not entirely  
20 familiar, but I am familiar about the  
21 cycle, when we do, who does it here, that  
22 kind of thing, but yes.

23          Q.     What's the process for data  
24 collection for that, for the, the -- is

1 it annual reporting?

2 A. It is.

3 Q. What's the process for data  
4 collection for the annual reporting?

5 A. I believe it's a extract  
6 from Infinite Campus.

7 Q. Since Infinite Campus just  
8 started the last two years, what about  
9 before then?

10 A. It would have been from  
11 eSchool. And then prior to that, all I  
12 could do is speculate, because I wasn't  
13 here prior to that. But I would assume  
14 that there had to be a -- some kind of  
15 reporting system. My -- I guess it would  
16 come from security. I don't know. I  
17 don't know that answer, back to 2014,  
18 let's say. But I'm sure since it's --  
19 everything's been electronic, it's been  
20 extracted from the electronic systems.

21 Q. Okay. But I think we were  
22 just talking about how not everything is  
23 included in the electronic systems.  
24 Like, if somebody wasn't disciplined, for



1 example, it wouldn't be included in the  
2 electronic system; is that right?

3 A. No. It would be included if  
4 it's categorized as a certain type of  
5 behavior. And certainly, the upload, I  
6 think that -- the Office of Civil Rights  
7 reporting that we have to do each year,  
8 it wouldn't include some of the documents  
9 you're talking about, it's just numbers.  
10 It's an extract of the number of  
11 incidents.

12 Q. But you're saying that it  
13 would have to be categorized properly,  
14 right, in order to pull that data, right?

15 A. Right.

16 Q. Is there any training --  
17 sorry, go ahead.

18 A. No, I was just gonna say, I  
19 think that's some of the impetus behind  
20 the aligning of our reporting and the  
21 police's reporting. We extract our data,  
22 compare it internally, make sure that  
23 what we have we believe represents the  
24 facts, then we compare it to what the

1 police have, and then it gets -- that  
2 data gets sent to TIMS, I believe it is,  
3 TIMS or PIMS upload, all the acronyms.  
4 But then, in the fall, is when the OCR  
5 extract happens. So the data has already  
6 been validated prior to that.

7 Q. Is there any training or is  
8 training that's received by  
9 administration, building principals on  
10 how to categorize the data that gets put  
11 into systems like that so that it can be  
12 extrapolated?

13 A. That's a good question. I  
14 wouldn't say that there is training, but  
15 I do believe there are systems in place  
16 to ensure consistency. So, for example,  
17 every suspension that occurs at the  
18 elementary level, they send their  
19 suspension letter to the director of  
20 elementary, and she would review -- and,  
21 quite frankly, when you're talking about  
22 elementary school kids, I don't believe  
23 there are many suspensions. You know,  
24 maybe, in a, in a school, maybe, a dozen

1 a year at the elementary level. And so,  
 2 the director of elementary is typically  
 3 aware of those circumstances, why a kid  
 4 got suspended. And so the letter comes  
 5 across her desk, she sees how it's been  
 6 categorized, and I can recall situations  
 7 where Dr. Santoro said, "wait a second,  
 8 it's not this", and they've rectified it.  
 9 At the secondary level, unfortunately  
 10 students get suspended more frequently  
 11 and there's a spreadsheet of suspensions  
 12 that I oversee. And so the layer of  
 13 consistency is there because I'm the one  
 14 reviewing them.

15 So, training, no, indirectly  
 16 in terms of a workshop, but when people  
 17 make mistakes or misstep, I think we fix  
 18 it, and then we teach them. So you could  
 19 refer to that as training or professional  
 20 development.

21 Q. In 2015, was Dr. Santoro the  
 22 one who would have gotten any suspensions  
 23 of students and reviewed that to ensure  
 24 its accuracy or -- like you said?

1           A.     Yes, absolutely.

2           Q.     Do you know whether, in this  
3 case, Dr. Santoro received or reviewed  
4 the categorization for [REDACTED]  
5 suspension in 2015?

6           A.     I don't know for a fact. I  
7 would assume yes, because she was very  
8 involved, as indicated by the notes from  
9 the meetings with the parents and the  
10 principal and such.

11          Q.     Is it the principal's  
12 obligation, are they the ones that are  
13 sending it to the director of elementary  
14 education?

15          A.     Yes.

16          Q.     If there's an allegation of  
17 sexual misconduct but maybe doesn't  
18 result in discipline or go all the way  
19 through that process, is that documented  
20 in some way through the district?

21          A.     I -- yes. So, my  
22 understanding of the question is if  
23 someone believes there's sexual  
24 misconduct and they write it up and

1 report it, then it would be in the  
2 system. And if there were no findings or  
3 no consequences, that would be part of  
4 that report eventually.

5 Q. When you say --

6 A. So it's a routing --

7 Q. Sorry.

8 A. The routing goes that a  
9 teacher or the observer of the behavior  
10 writes it up and then it gets routed to  
11 the supervising administrator. So if I  
12 am a tenth grade assistant principal and  
13 it's one of my kids, it will come to me  
14 automatically, I would review it and then  
15 I would complete the report itself.

16 Q. When --

17 A. So, if I said that Kyle  
18 Somers had no, no findings, Kyle did not  
19 do as stated, that would be in the  
20 report.

21 Q. When you say to report it to  
22 the teacher, the teacher believes  
23 something had happened would be written  
24 up, how is it written up? Is there a

1 specific form they should be using, or?

2 A. Yeah. There's a -- if you  
3 recall, we discussed a behavior tab in  
4 Infinite Campus. So, if you actually  
5 click there on that tab, you can click a  
6 plus sign and create new event.

7 Q. What about before that,  
8 though, because that just happened in  
9 2019, what was the process before  
10 Infinite Campus?

11 A. It was similar in eSchool.  
12 Prior to that, when it was paper and  
13 pencil, I believe it was a slip of paper,  
14 student's name, infraction, details, and  
15 submit it to the office.

16 Q. The principal's office?

17 A. Yes.

18 Q. And it was just, like, any  
19 paper, like, take a piece of paper,  
20 write --

21 A. No. I think there's a form.

22 Q. Oh, okay.

23 So a slip of paper you just  
24 referred to is an actual form?

1           A.     Yes.

2           Q.     Do you know the name of the  
3 form?

4           A.     I thought -- I know, at the  
5 secondary level, it was referred to as a  
6 conduct referral. I guess my answer to  
7 your question is, no, I don't know the  
8 name, but I can find it.

9           Q.     Are you looking through the,  
10 the North Penn produced documents?

11          A.     I am.

12          Q.     Okay.

13          A.     I thought there was a form.  
14 I could be wrong.

15          Q.     And I can represent to you,  
16 I don't believe I saw a form of what  
17 you're describing, but I could --

18          A.     So, I would point to 1023,  
19 Gwynedd Square Elementary School office  
20 referral form.

21          Q.     Oh, okay.

22                   And what -- and so it's bate  
23 number 1023?

24          A.     Yes.

1 Q. I see.

2 This -- on that form that  
3 you have in front of you, on bates No.  
4 1023 from the North Penn production, on  
5 there it says minor problem behavior,  
6 major problem behavior. Do you see that  
7 there?

8 A. I do.

9 Q. Is that something that the  
10 district has, that there is to be  
11 separation between minor problem behavior  
12 and major problem behavior?

13 A. No. Since then, Escape, as  
14 part of that upload we discussed, has  
15 kind of categorized the infractions as  
16 they're titled. So that's not really on  
17 the school district, in terms of is this  
18 major or is it minor. It depends how  
19 it's coded. So if you picked, for  
20 example, bomb threat, they would --  
21 Escape categorizes bomb threat as  
22 whatever they categorize it as. We don't  
23 determine if it's minor or major.

24 Q. When was that, that that new



1 system got implement?

2 A. I can't answer that with  
3 confidence. I know there were changes to  
4 it recently. I would say 2019 -- 2018 or  
5 '19.

6 Q. Okay. So around that  
7 timeframe?

8 A. Yeah. I would assume that  
9 that was -- that -- it's possible that  
10 the state, in that report that we  
11 discussed, when they get the data, was  
12 categorizing it. I'm not aware of them  
13 doing so. I know that they do now.

14 Q. What about in terms of,  
15 like, this form here, for example, the  
16 1023 that we're looking at --

17 A. Mm-hmm.

18 Q. -- where it says minor  
19 problem behavior, major problem behavior,  
20 at that time in 2014 or even 2015, was  
21 that, like, categorizing minor behavior,  
22 major behavior, is that what the district  
23 was following, or was there some other  
24 way of categorizing behaviors for

1 students?

2           A.     I don't think -- so clearly,  
3 this is how they were documenting it at  
4 the elementary level at that time. I  
5 would expect that once we moved to the  
6 electronic version, you were still  
7 picking from a drop-down menu of what was  
8 the infraction; lying, cheating, for  
9 example, might have been one of the  
10 options. Classifying it as minor or  
11 major was not part of that electronic  
12 process.

13           Q.     Do you know whether the  
14 electronic process dropped-down whether,  
15 like, sexual harassment was one of the  
16 options available?

17           A.     I don't know that. I would  
18 assume harassment was. I don't know for  
19 certain whether or not sexual harassment  
20 was.

21           Q.     What about, like, assault or  
22 something like sexual assault, do you  
23 know whether that was a category?

24           A.     I would expect that it was.

1           Q.     Okay.  When you say that  
2     minor and major were across the  
3     elementary school level, that's the way  
4     that they were categorizing student  
5     misconduct, do you know whether that's  
6     across all 13 elementary schools or  
7     whether that's just the case for Gwynedd  
8     Square?

9           A.     I'm not certain.  But I  
10    would expect that this isn't a form that  
11    was made up by one school.  Again, I  
12    wasn't here then, but I -- knowing our  
13    director of elementary, I would assume  
14    the process was fairly uniform.  So I  
15    would assume everybody was using a  
16    similar form.

17          Q.     Okay.  Because I understand  
18    there's also a elementary level of  
19    student discipline misconduct that has,  
20    like, four tiers.  Have you seen that,  
21    are you familiar with that?

22          A.     You're talking about the  
23    chart with level one, two, three and  
24    four, yes.

1 Q. Yes.

2 Is that also something that  
3 the elementary schools are to be  
4 following from the district back in this  
5 timeframe?

6 A. Sure, yeah. That's the, the  
7 student -- that's the code of conduct.  
8 And it's in our student handbooks, it's  
9 on the website, so yes.

10 Q. Do you know -- since there's  
11 kind of two -- would you agree with me  
12 there's two different ways that student  
13 misconduct is being categorized, then, in  
14 terms of one being a minor/major and the  
15 other being the four levels of -- like we  
16 just went over in that chart?

17 A. Yeah. I would agree with  
18 that.

19 Q. Go ahead.

20 A. I think it would be there,  
21 unfortunately.

22 Q. Okay. Like, as to, like,  
23 what one to implement or -- is that what  
24 you mean?

1           A.       You're talking about in  
2 terms of, like, an intervention. So,  
3 like, a consequence. Based upon how it's  
4 categorized, what the consequence would  
5 be, is it major, is it minor, is it level  
6 one, level two. Yeah, I mean, I think  
7 any time you look at a code of conduct  
8 for any school district you're going to  
9 see examples of this behavior, could be  
10 but not all inclusive, all right? So,  
11 there's definitely some discretion when  
12 you're categorizing discipline because  
13 stealing could be taking money out of  
14 your teacher's purse, or it could be  
15 grabbing a cookie from the cafeteria,  
16 right? So, there is definitely some  
17 discretion. But I agree, that it is  
18 ambiguous, that this form seems to have  
19 minor and major and possible motivation  
20 as opposed to a grid that says level one,  
21 two, three, four.

22           Q.       You mentioned it being  
23 ambiguous in terms of discipline. What  
24 about in terms of, like, categorizing

1 student misconduct, would you agree that  
2 it's ambiguous, the two different  
3 versions in categorizing student  
4 misconduct as well?

5 A. I don't think in terms of  
6 categorizing that it's an electronic  
7 violation, for example. But in terms of  
8 categorizing it as minor or major, I  
9 think that it is ambiguous, yeah. I'm  
10 certain that that's probably why the  
11 process has improved since then, because  
12 there's -- it is ambiguous.

13 Q. When you say the process has  
14 improved since then, what do you mean?

15 A. The electronic version that  
16 we've been discussing. So, now that  
17 we're not doing a paper form and now that  
18 the electronic version is aligned and  
19 that it categorizes in terms of the level  
20 all by itself in state reporting. You  
21 pick what the infraction was, and they  
22 determine -- the system determines, okay,  
23 that is a reportable offense,  
24 non-reportable, whether or not police

1     should have been called, those types of  
2     things.

3             Q.     Okay.   For the OCR, Office  
4     of Civil Rights, reporting, who's  
5     responsible for, for that at the  
6     district?

7             A.     The individual who does that  
8     work for us is -- her name is Sheena  
9     Kulp.   Her name -- I think her title  
10    is -- I can look -- I believe it's PIMS  
11    coordinator.

12            Q.     Is she an employee of the  
13    district?

14            A.     She is.

15            Q.     Okay.   And how is she  
16    compiling that data?   And I don't mean  
17    since, like, the last two years when you  
18    have this -- I'm talking about the  
19    timeframe from 2014 through 2018.

20            A.     I'm not sure I understand  
21    the question compared to questions you've  
22    already asked me, in that how do we get  
23    that extract.   I thought that -- are you  
24    asking something different, or is it the

1 same question?

2 Q. Well I guess you didn't have  
3 the -- in order to have an extract you  
4 would need to have a electronic  
5 documentation. It's my understanding  
6 that for the elementary level, there was  
7 no electronic documentation to extract  
8 from back in 2014, 2015, maybe even 2016.

9 Where would -- how would she  
10 compile that data back then?

11 A. I don't know. I would  
12 expect that there was a collection or  
13 data kept by the director of elementary  
14 because those suspension letters were  
15 coming her way. But I do not know.

16 Q. Okay.

17 A. I'm sure that they input it  
18 the same way to the state. But I don't  
19 know how they brought all the data  
20 together from the 13 elementary schools,  
21 I'm not sure.

22 Q. Are you familiar with the  
23 Office of Civil Rights guidance  
24 documents?



1           A.     I'd have to be pointed to  
2     them directly to answer that question,  
3     I'm not sure.

4           Q.     I mean, have you heard of  
5     them, like a Dear Colleague letter or --

6           A.     Sure.

7           Q.     -- Q&As?

8           A.     Sure.

9           Q.     What's the process -- does  
10    the district have a process of who  
11    receives those guidance documents from  
12    OCR?

13          A.     I would assume -- and I'm  
14    not entirely familiar, but I would assume  
15    it goes to Dr. Dietrich and such things  
16    are topics of conversation with the  
17    district solicitor.

18          Q.     Okay. Do you know whether  
19    there's any, like, downflow of that  
20    information in terms of training or  
21    making sure that lower levels at the  
22    district other than the superintendant  
23    gets access to that information?

24          A.     Yes. I would -- I'm certain

1     that that is part of our legal or  
2     legislative update from Mr. Somers.

3             Q.     Have you sat in on -- you're  
4     part of these annual meetings with Mr.  
5     Somers, right?

6             A.     Of course.

7             Q.     Have you heard -- in the  
8     meetings that you've been part of since  
9     2015, have you -- do you recall receiving  
10    information about these updates in terms  
11    of OCR guidance?

12            A.     I'm not sure I've heard them  
13    delineated in that way, meaning there's a  
14    slide that says, "this is the OCR  
15    guidance", but there are usually slides  
16    of "things you need to know" and "new  
17    expectations", those type of things, but  
18    I have not heard them categorized as OCR  
19    guidance in these legal updates.

20            Q.     Are they typically a  
21    PowerPoint presentation, when Mr. Somers  
22    comes to educate the administration of  
23    the district?

24            A.     Yes.

1           Q.     Where are those trainings  
2 kept, the PowerPoints and any materials  
3 that are provided?

4           A.     Typically distributed.  
5 He'll give a presentation, whether  
6 they're hard copies or it's e-mailed out.

7           Q.     Does the direct keep that in  
8 some way? Is there any documentation  
9 that the district has on, like, what  
10 training was received this year, what  
11 information was received the next year or  
12 the PowerPoints?

13          A.     Yeah. I think it's only  
14 fair to say, since I've been assistant  
15 superintendant, that each month when we  
16 have a district administrative meeting,  
17 there's an agenda and then related  
18 documents are attached or linked. So, if  
19 I were to go back to, say, February 2020  
20 and look at the agenda, Mr. Somers would  
21 have e-mailed me his presentation, and I  
22 would have linked it. That would be  
23 since 2018.

24          Q.     Do you know what the process

1 was before then? Because I understand  
2 you were, you were only the assistant  
3 superintendant since 2018, but since  
4 you're here on behalf of the district as  
5 a corporate representative, do you know  
6 what the process was or, you know,  
7 whether those documents were kept prior  
8 to that time on behalf of the district?

9 A. Yeah. I believe what I said  
10 previously, that they were e-mailed out  
11 to us as a group.

12 Q. But, I mean, who e-mails  
13 them, the assistant superintendant?

14 A. Yes.

15 Q. Were you a part of -- were  
16 you part of compiling the documents in  
17 this case from the district?

18 A. Yes, I believe so. In terms  
19 of, like, me actually getting documents,  
20 no; asking people for them, yes.

21 Q. Did you ask any -- did you  
22 ask anybody about any of the trainings  
23 that was received on Title IX or any  
24 other trainings, like the documents I was

1 just really asking about?

2 A. I recall asking for the  
3 trainings from our human resources  
4 department pertaining to safe schools,  
5 Act 126, documentation of folks  
6 completing those trainings, things such  
7 as that. I don't know that I asked  
8 anyone, did you receive an e-mail back in  
9 2015 from Mr. Somers, I don't know about  
10 that. But I recall the way that we  
11 believe we were fulfilling that request  
12 was to get copies of the sexual  
13 harassment, the child abuse, all those  
14 trainings and who had completed them.

15 Q. So I can represent to you I  
16 didn't receive that list of, who had  
17 completed them, what the trainings were,  
18 I didn't receive that either. Did you  
19 get that as part of your document  
20 compilation?

21 A. I believe I did. I'd have  
22 to look. I believe I know who I got it  
23 from. I -- but I can look, if you'd like  
24 me to.

1           Q.     You don't have to look right  
2 now, but I would just make a request on  
3 the record to get those materials, since  
4 they were not provided by the, the  
5 district.

6                     Are you able to, as a  
7 superintendant now, not at this moment  
8 but after this deposition today, are you  
9 able to go back see if you can pull  
10 together the trainings that were given,  
11 whether it's by the solicitor or by the  
12 district, on Title IX, sexual harassment  
13 or what those annual trainings or legal  
14 updates consisted of?

15           A.     Sure. I'm able to do that.

16           Q.     Okay. I would ask for that  
17 as well. These are things that I think  
18 have been requested, but since you're  
19 telling me that you're actually able to  
20 do that, I would request specifically  
21 that you do that as well.

22           A.     I think there's -- perhaps  
23 I'm mistaken, but I believe you're  
24 providing more specificity now that would

1    lead me to those documents, as opposed to  
2    what I think I did -- and again, this was  
3    a long time ago --

4               Q.     Mm-hmm.

5               A.     -- in pulling all the  
6    trainings and the videos that we needed  
7    to do as all employees had to complete.  
8    That's what I believe.

9               Q.     Okay. Did you -- you said  
10   that you did pull those videos and things  
11   like that, though?

12              A.     I believe I pulled the list  
13   of trainings. I asked our HR department  
14   too.

15              Q.     Okay.

16              A.     I provided them. But I  
17   could be mistaken; I've made a mistake  
18   before.

19              Q.     Okay. Because I did not  
20   receive those.

21              A.     Okay.

22              Q.     So, if you have them, please  
23   pass them along to your counsel as well  
24   so that they can be passed along to me.

1           A.     I understand.

2           Q.     Okay.  Is there any process  
3     in place to ensure that principals are  
4     getting the OCR guidance documents and  
5     the information contained in them?

6           A.     Not anything outside of what  
7     I described.

8           Q.     Okay.  And is that really up  
9     for the, the solicitor or the super --  
10    who's it up to, something that's going to  
11    come into the training for the  
12    administration of the district?

13          A.     I think, ultimately, the  
14    superintendant would say the district's  
15    responsibility.  But it's well-known here  
16    in North Penn that we, at least annually  
17    or more frequently, have a legal update,  
18    and those types of things would come out  
19    during our legal update.

20          Q.     The legal update meetings,  
21    are they just attended by the  
22    administration of the district?

23          A.     Yes.

24          Q.     Does that include



1 principals?

2 A. Yes.

3 Q. Is there a process in place  
4 to ensure that principals are then  
5 communicating that information that they  
6 learned to the people -- the employees in  
7 their building, like teachers and  
8 guidance counselors and the like?

9 A. Yes. Typically we, we would  
10 outline what needs to be provided or  
11 discussed with the folks in their  
12 building as a result.

13 Q. Is there any follow-up to  
14 make sure that that actually occurs?

15 A. That's a good question. No,  
16 I can't say in good conscious that  
17 there's a process for asking each  
18 building, did you say this to your  
19 faculty. I think when you have highly  
20 compensated employees who are  
21 credentialed to do the job, when you ask  
22 them to do something, your expectation is  
23 that they do it.

24 Q. Is there any process in

1 place to get a sense of the understanding  
2 of district employees of their reporting  
3 requirements or understanding OCR  
4 guidance and things like that?

5 A. I think I'm answering the  
6 question, that there is a process in the  
7 trainings that I previously spoke of,  
8 there are quizzes. So there is an  
9 accountability measure, and you have  
10 certificates, and you have to prove that  
11 you completed them.

12 Q. Okay. And is that something  
13 that the district keeps as well?

14 A. I think there's a extract  
15 from the program where you can see who  
16 has completed them.

17 Q. And is that the case going  
18 back to, like, 2014/2015 timeframe up  
19 through the present?

20 A. I would expect, yes. I'm  
21 not certain, but I would expect, yes.

22 Q. Okay. Do you recall  
23 specifically receiving training from the  
24 district in part of these administrative

1 or legal update meetings, Title IX  
2 specifically being covered?

3 A. I was under the impression  
4 that you asked this. Didn't we say --  
5 didn't you ask me how many times since  
6 2015, and I said four?

7 Q. Okay. That may have been  
8 the case.

9 A. Okay. I want to make sure  
10 you're not asking something different.

11 Q. No, that's okay. Let me ask  
12 you something more specifically.

13 Do you recall receiving  
14 training specifically on how to identify  
15 sexual harassment at schools with  
16 students?

17 A. I think, sexual misconduct,  
18 yes. Yes, I think it's part of those Act  
19 126 trainings and part of the signs of  
20 sexual abuse. Yes, it is in there, I'm  
21 certain of it.

22 Q. Who puts on the Act 126  
23 trainings?

24 A. It is a -- they are

1 purchased modules, online, asynchronous  
2 that everyone must complete and then take  
3 the assessment.

4 Q. When has that been the case  
5 since, where it was a purchased module?

6 A. I, I think since Act 126  
7 came into play, I would expect. At least  
8 since 2015. Most districts that I'm  
9 aware of, and I've worked in a number of  
10 school districts, have what they call  
11 safe school trainings, that you have to  
12 complete every two years, I believe.

13 Q. Does the Act 126 training,  
14 is that every two years that they receive  
15 training on this topic?

16 A. That's my understanding,  
17 yes.

18 Q. Okay. Other than the Act  
19 126 training that -- the modules  
20 purchased by the district, are there  
21 other instances of teachers or  
22 administration receiving training on  
23 identifying sexual abuse, sexual  
24 harassment?

1           A.       I wouldn't say at-large, no.  
2   That's not to say that individual schools  
3   haven't brought in experts, you know,  
4   brought in -- we work with some outside  
5   organizations, we've had -- there's  
6   organization that provides supports for  
7   women who have been abused, Laurel House,  
8   I don't know if you're familiar, I don't  
9   know where you're located, but they've  
10   come in and given presentations, whether  
11   they be to the school board or at  
12   individual schools. I had them in to  
13   present to students. We've worked with  
14   the county for things. But I can't say  
15   that everyone has. This is things that I  
16   initiated as a principal.

17           Q.       At, at the high school?

18           A.       Yes.

19           Q.       The reporting of sexual  
20   harassment, is that something that's  
21   covered by the Act 126 trainings?

22           A.       I believe so, yes --

23           Q.       Is there any --

24           A.       -- sexual misconduct. I

1 don't know that it delineates sexual  
2 harassment -- I think it does. I do  
3 think it does. But it might be more  
4 defined in the context of colleagues, but  
5 it's still in these trainings -- still  
6 includes, these are the signs of sexual  
7 misconduct, these are the signs of sexual  
8 harassment, regardless of whether it's  
9 adult-to-adult, student-to-student or  
10 some combination.

11 Q. Does the district still  
12 have, like, the module that they  
13 purchased for these years on this  
14 training?

15 A. Yeah. I just completed them  
16 a couple weeks ago. My two years was --  
17 yeah -- yes.

18 Q. Do you have the past ones,  
19 though, I guess is what I'm asking?

20 A. I don't know. I, I would  
21 think that we could access them. I mean,  
22 it's a third-party vendor. So, could  
23 they provide, if we asked, hey, what did  
24 the training look like then -- they're

1 very similar. I mean, I've been doing  
2 them since 2013 on at least an every  
3 other year basis, and they're very  
4 similar. So I would expect what you saw  
5 today to look very similar to what you  
6 saw in 2013.

7 Q. Okay. I would also ask that  
8 if you're able to access, you know, past  
9 ones -- because the one from this year,  
10 you know, isn't really going to be as  
11 relevant -- even if it may be similar to  
12 something back in, like, 2015 timeframe  
13 or before then or subsequent to them, I  
14 would ask to see if you're able to get  
15 access to those, and if you are, to  
16 produce them to, to your counsel.

17 A. I might be able to -- if  
18 nothing else, an outline of the courses.

19 Q. Okay. Yeah, I mean,  
20 whatever -- I don't know what you have  
21 access to. It doesn't sound like you do  
22 at this point either. So whatever you're  
23 able to access, if you can provide that  
24 to your counsel.

1           A.     Okay.

2           Q.     Is there a process in place  
3     to inform students of their rights under  
4     Title IX from, like, 2014 up to 2018?

5           A.     Yeah. I believe there is a  
6     section in the student handbook that  
7     outlines the detail there.

8           Q.     Other than the student  
9     handbook, is there any kind of, like,  
10    presentation or assembly or anything in  
11    the course of a student's education where  
12    they've brought about those topics?

13          A.     I don't believe there's a  
14    formalized process for that, no. I  
15    think -- back to school mailings every  
16    year.

17          Q.     The back to school mailings  
18    that go to the student's house or  
19    whatever?

20          A.     Yes.

21          Q.     What's included in that  
22    mailing?

23          A.     It's a long, long list. But  
24    code of conduct policies, expectations,



1 home and school information, I believe.  
2 I believe that packet is something I  
3 provided as well. I think it's pretty  
4 detailed.

5 Q. Is there, like, an enclosure  
6 letter -- I mean, is there a way to  
7 identify what -- because when I get the  
8 documents, for example, I get 1 through a  
9 1,000-and-whatever.

10 A. Yes.

11 Q. These things aren't, like,  
12 this came from this packet that got sent  
13 to the student's homes.

14 Is there a way to identify  
15 or delineate what is part of that packet  
16 that you're saying was provided in these  
17 bates numbered records?

18 A. There is a way, yes. I can,  
19 I can do that. It'll take me a moment,  
20 but I can do it.

21 Q. Okay. Well why don't we  
22 kind of table that now so we can get  
23 through the questions and come back to  
24 that.

1                   Okay. What about for Title  
2 IX instruction or training in a sense for  
3 parents, does the district have that that  
4 they offer?

5           A.     No. Other than the  
6 mailings.

7           Q.     Okay.

8           A.     I don't believe there's  
9 training for parents on that, Title IX.

10          Q.     If a student makes a report  
11 or a parent, you know, received some  
12 minor -- makes a report or are informed  
13 of a report that their child had made  
14 about sexual misconduct at the school, is  
15 there an expectation that the student  
16 and/or parent gets told by who the Title  
17 IX coordinator is and what the process is  
18 going to be and stuff?

19          A.     Yes, there is. I think  
20 that's outlined in the policy itself.

21          Q.     Other than it being  
22 outlined, do you mean that whoever it's  
23 reported to, that that person will notify  
24 the parent and/or child that there's a

1 Title IX coordinator and this is who it  
2 is and --

3 A. Yes.

4 Q. How are Title IX  
5 investigations supposed to be conducted  
6 through the district? Is there, like, a  
7 procedure in place that this is what  
8 you're compiling, this is how you do it  
9 and stuff like that?

10 A. I think the policy itself is  
11 really detailed in the forms, and then  
12 the training that I suggested, it's very  
13 clearly outlined in all of those  
14 documents.

15 Q. Are you referring to the  
16 103, Policy No. 103?

17 A. Yes.

18 Q. Because that was something  
19 that just -- we just talked about just  
20 got implemented in the last two years.  
21 What about prior to that?

22 A. Then I would say that I  
23 think it's pretty clearly outlined in the  
24 policies that have since been repealed.

1           Q.     Those three that we talked  
2     about?

3           A.     Yes.

4           Q.     Other than it being clearly  
5     delineated in those policies, like you're  
6     saying, is there any other kind of  
7     training or anything like that that gets  
8     put into place on how that gets done and  
9     implemented?

10          A.     Our Title IX coordinator  
11     needs to attend the training, and I  
12     believe that's a requirement.  So, yes,  
13     there is a training.  I have never  
14     attended that, because I have never  
15     served in that role, but I believe our  
16     current, our former director of HR both  
17     attended, and our director -- assistant  
18     director of human resources also  
19     attended.

20          Q.     So there's a specific  
21     training for -- like, on Title IX for  
22     those people?

23          A.     Yes.

24          Q.     Who puts that on, the

1 training?

2 A. I don't know the answer to  
3 that. I suspect Mr. Somers might know  
4 the answer to that, but I do not.

5 Q. Is it something the district  
6 does internally?

7 A. No. No, no, no. They  
8 actually have to go.

9 Q. Okay. How often is that  
10 training done?

11 A. To my knowledge, to my  
12 knowledge it's a one-time thing that they  
13 have to go, unless there are changes.  
14 They have to get certified, and there's a  
15 process for a Title IX coordinator.

16 Q. To get certified?

17 A. I believe so. There's a --  
18 I recall, when we had a new assistant  
19 director of human resources, that that  
20 individual had to go in order to be a  
21 Title IX coordinator.

22 Q. What about prior to that  
23 point, like when Cheryl McCue was the  
24 Title IX coordinator, do you know if

1     there was a certification back then?

2             A.     I, I don't. I know that she  
3     went, though. I recall her saying that  
4     she had to go to a conference workshop  
5     certification somewhere. I don't know if  
6     it was put on through the IU. Again,  
7     that's something I could find out, but I  
8     don't know.

9             Q.     What's IU?

10            A.     Independent unit.

11            Q.     Okay. And what is, what is  
12     that, the immediate unit?

13            A.     That's a good question.  
14     Each county has an intermediate unit that  
15     provides services to the school  
16     districts. So there's an MCIU, which is  
17     Montgomery County Intermediate Unit, BCIU  
18     and so forth. In terms of a definition,  
19     I don't really know.

20            Q.     When you say it's a one-time  
21     thing that you think Dr. McCue had gone  
22     to for the Title IX coordinator training,  
23     do you know whether that would have been  
24     when she stepped into that role as Title

1 IX coordinator or at some other point?

2 A. I don't know when she  
3 attended. I can't answer that.

4 Q. These forms that we talked  
5 about on Page -- on 1023, with the minor  
6 problem behavior and the major problem  
7 behavior with the office referral form,  
8 do you know what I'm talking about?

9 A. I do.

10 Q. Do you know what the  
11 retention of those documents is, what  
12 the expectation of the district of how  
13 the documents are kept?

14 A. I would assume that they  
15 were placed in the student's files.

16 Q. Do you know, from  
17 year-to-year, whether there's any  
18 expectation of the -- like, how the  
19 retention of that document would be done?

20 A. I believe that those files  
21 go with the student from elementary to  
22 middle and then I would assume that only  
23 files -- again, starting in '15/'16, such  
24 forms are electronic. So our current

1 students, over the last six years,  
2 everything has been in -- is electronic.

3 Q. Forms like this, like 1023  
4 we were just talking about, is there any  
5 reason at the end of the school year they  
6 should be shredded?

7 A. No. I think, I think it is  
8 reasonable that something from a first  
9 grader, for example, might not make its  
10 way all the way up to the high school  
11 because, then, as we described, you know,  
12 we have student files that are inches  
13 thick. But I do think from one level to  
14 the next they should travel with the  
15 student. So, middle -- elementary to  
16 middle, I think they should be there.  
17 And then I think you would only have  
18 those documents from middle to high.  
19 That would be my expectation. I think  
20 that's practical.

21 Q. Okay.

22 A. Clearly this document has  
23 been kept, though, since 2014, because  
24 this is the form we are looking at, but.



1           Q.     Okay. Do you know where  
2     this form came from? If you're the one  
3     kind of pulling documents together, do  
4     you know where the 1023 form had come  
5     from?

6           A.     I don't. So like I said, I  
7     asked people to collect documents for me;  
8     hey, could you get me this, can you get  
9     me the trainings, can -- but where  
10    specifically it came from, I couldn't  
11    tell ya. Like you said, there's over a  
12    thousand pages here. I don't know where  
13    each thing came from.

14          Q.     Okay. I'm gonna show you  
15    for a second. I'll share my screen in a  
16    moment.

17          A.     Okay.

18          Q.     Can you see the document on  
19    your screen?

20          A.     I can.

21          Q.     Okay. At the bottom of the  
22    document, on Page 8 of 9, that's your  
23    signature verifying that you had reviewed  
24    these interrogatory -- the questions to

1 the district; is that true?

2 A. That's my signature, yes.

3 Q. Did you actually review  
4 these responses before signing it?

5 A. This document itself?

6 Q. Yes.

7 A. Yes, of course.

8 Q. Okay. I want to ask you  
9 about request No. 10.

10 A. Would you mind zooming in?

11 Q. Oh, yeah, sure.

12 Are you able to see that  
13 now?

14 A. Mm-hmm.

15 Q. Okay. It says --

16 A. You went beyond --

17 Q. I went to far.

18 There we go.

19 A. Okay.

20 Q. It says, identify the  
21 person, persons on behalf of the  
22 Defendant District North Penn Gwynedd --  
23 and it says North Montco, but I  
24 understand North Montco is separate --

1 knowledgeable about the process for  
2 distributing information concerning Title  
3 IX policy to students, parents and  
4 employees from January 1st, 2014 to the  
5 present and describe the substance of  
6 each person's knowledge, and the response  
7 is Christine Liberaski, director of  
8 schools and emergency -- or, I'm sorry --  
9 community engagement.

10 How did you find out this  
11 information?

12 A. The information -- that it's  
13 Christine Liberaski?

14 Q. Yes.

15 A. So, when you asked the  
16 question about what is distributed to  
17 students and parents, my answer was in  
18 our back-to-school mailings, and  
19 Christine Liberaski is the director of  
20 school and community engagement, and her  
21 office handles the back-to-school  
22 mailings. So she is -- directly oversees  
23 that process.

24 Q. Who is it that makes a

1 decision as to what information goes into  
2 that packet to students?

3 A. I think it's -- there's been  
4 a longstanding practice of what is  
5 included, and then as things change, I  
6 often use the phrase, as, as, as the  
7 facts change, so does my opinion. So,  
8 for example, there are times when we are  
9 discussing policies and Mr. Somers will  
10 say, this should probably be included in  
11 the back-to-school mailing, and then I  
12 will contact Christine's office and say,  
13 we need to make sure we add this next  
14 year.

15 Q. Okay. In No. 12, where the  
16 request is identify all training or  
17 education completed on sexual misconduct  
18 against students -- versus management or  
19 compliance with Title IX from January  
20 1st, 2014 to the present, and I list  
21 several individuals that I'm asking about  
22 their particular training.

23 Did you already compile that  
24 list of the training that they've been

1 through?

2 A. I believe that I did, yes.

3 Q. Okay. I think that's what I  
4 was asking for before. You said you're  
5 gonna get that to your counsel so it  
6 could be passed along, correct?

7 A. That was my understanding,  
8 yes.

9 Q. Okay. On the 126  
10 training -- or, Act 126 training, do you  
11 know whether that is tested in any way to  
12 ensure that the people doing it  
13 understood what they were --

14 A. Yup.

15 Q. -- doing?

16 A. I think that's what I was  
17 referencing when I answered that. Yes,  
18 there's an assessment at the end.

19 Q. Okay.

20 A. You need to get an 80  
21 percent or better, I believe.

22 Q. Okay. In the interrogatory  
23 responses there's a note -- I had asked  
24 about who the Title IX coordinator was

1 over the course of particular years and  
2 there was an answer that Kathleen  
3 Cardamone was the Title IX coordinator  
4 from January 2014 to June 30th, 2021?

5 A. That's inaccurate.

6 Q. Okay. From talking to Dr.  
7 McCue yesterday at her deposition, she  
8 had told me that Kathleen Cardamone had  
9 filled in maybe a month or two period of  
10 time before she took over that role.  
11 Does that sound more accurate?

12 A. It does, yeah.

13 Q. Why did -- why was Dr. McCue  
14 no longer in the role of Title IX  
15 coordinator in the fall of 2019?

16 A. She left the district.

17 Q. Was it of her own --

18 A. Yes.

19 Q. -- decision?

20 A. Yeah. She got a job at  
21 Lehigh University.

22 Q. Okay. Before Dr. McCue took  
23 on that role as Title IX coordinator,  
24 what was done by the district to ensure

1     that she understood her responsibilities  
2     as Title IX coordinator of the district?

3             A.     I don't have anything  
4     additional to provide other than that she  
5     went to the required training.

6             Q.     You said that outside  
7     course?

8             A.     Yes.

9             Q.     But you said that you  
10    weren't sure, you know, whether she did  
11    it at the start or at some point later;  
12    is that correct?

13            A.     I didn't say that. I said  
14    I'm not sure when she went, and I  
15    couldn't tell you the dates of when she  
16    went.

17            Q.     Other than the potential of  
18    taking that course that you mentioned,  
19    was there any other training provided by  
20    the district or implementation of her  
21    getting training in some other way of  
22    what the expectation was of the district  
23    of how she was going to handle her duties  
24    and responsibilities as it pertained to

1 Title IX?

2 MS. JORDAN: Note my  
3 objection to the form of the question.  
4 You can answer.

5 THE WITNESS: Thank you.

6 So I would say that any time  
7 we, we speak to someone who is more  
8 informed regarding a topic than us  
9 that is a means of professional  
10 development, and in any Title IX case,  
11 I would assume that Cheryl -- Dr.  
12 McCue, excuse me, collaborated with  
13 counsel, Mr. Somers. So I think it's  
14 reasonable to say that his level of  
15 expertise is exceptional and she  
16 received professional development and  
17 training along the way when she worked  
18 with counsel.

19 BY MS. LAUGHLIN:

20 Q. Just in meetings and stuff  
21 like that?

22 A. Sure, yeah. I think most  
23 things that are serious enough that she  
24 would be involved, Kyle would be brought



1     into the process.

2             Q.     Okay. Do you know whether,  
3     other than that one training that was  
4     outside that you mentioned for Title IX,  
5     whether the district provided any other  
6     Title IX training to her as the Title IX  
7     coordinator?

8             A.     I'm not sure I understand  
9     how that question's different than the  
10    last one. Isn't that the same question,  
11    didn't you just ask that?

12            Q.     I think I was trying to ask  
13    something -- at any point in time, did  
14    the district ever provide training on  
15    Title IX specifically to Dr. McCue?

16            A.     Other than through  
17    Mr. Somers, I don't believe so.

18            Q.     Did Dr. McCue, as the Title  
19    IX coordinator, ever provide training to  
20    anybody else in the district on what's  
21    expected under Title IX?

22            A.     I wouldn't be surprised if  
23    over the course of her time in that role  
24    that she co-presented with Mr. Somers in

1 district administrative meetings, and I'm  
 2 sure the records reflect that you asked  
 3 me to look into those trainings. But I  
 4 can't recall her doing it by herself. I  
 5 can recall, certainly Mr. Somers, and he  
 6 has had co-presenters, as recently, I  
 7 think I mentioned, in February, he  
 8 presented with Dr. Diegue, about Policy  
 9 103 and the expectations.

10 Q. When students have an  
 11 adjudication through the district  
 12 attorney's office, is that something --  
 13 based on conduct that had occurred in a  
 14 North Penn School District school, is  
 15 that tracked in any way by the district  
 16 to find out the outcome or what's going  
 17 on with the adjudication?

18 A. Great question. I wouldn't  
 19 say that there is an active process on  
 20 our end, where we seek the outcome, but  
 21 we are alerted by the court system. I  
 22 can't necessarily tell you how it's  
 23 determined what is provided to us and  
 24 what is not. The only thing I will say

1    that I am certain of is there are times  
 2    where you have to put in the student  
 3    information system whether or not a  
 4    student was arrested, and there are times  
 5    where we don't know the answer to that.  
 6    So we will follow-up, and we will call  
 7    and say, was the student arrested, were  
 8    they cited, you know, and what was the  
 9    offense, was it a misdemeanor, a felony  
 10   and so forth. We have done that. But  
 11   often, we will get a report from the  
 12   district attorney's office telling us the  
 13   outcome, or we'll be notified by juvenile  
 14   probation, if the student's on probation.  
 15   You know, there's a gentleman who's a  
 16   probation officer that we regular use,  
 17   his name -- or, interact with -- his name  
 18   is Ken Lawrence. Ken will send e-mail  
 19   saying, so-and-so is on my caseload,  
 20   please contact me if you have any  
 21   problems with that student.

22                   So, those are systems that  
 23   are in place, but I don't know that it's  
 24   an active process on our end; they

1 contact us.

2 Q. Okay. And if -- for  
3 example, do you know whether in this case  
4 that the district was contacted about the  
5 outcome of an adjudication of [REDACTED]  
6 [REDACTED] after 2015?

7 A. I don't know the answer to  
8 that, I'm sorry.

9 Q. That's okay.  
10 Have -- in compiling the  
11 documents in this case, did you come  
12 across anything about the district being  
13 aware or documenting the result of the  
14 adjudication?

15 A. I don't recall. I can  
16 recall conversations with Sergeant Kiola  
17 in the documentation, and I believe it  
18 was the Upper Gwynedd Police Department,  
19 but I recall reading things. I think his  
20 name was Ted Kiola. I read that, but I  
21 don't recall what the adjudication was.

22 Q. Okay. You said you read,  
23 meaning the document that the North Penn  
24 School District provided in this case?

1           A.     That's correct.

2           Q.     Okay. Other than relying on  
3 the DA's office or, like, if there's  
4 probation involved, that they would  
5 notify the district, is there any process  
6 in place for the district to follow-up to  
7 find out what the outcome was?

8           A.     Aside from us calling when  
9 there is an open field when we don't know  
10 in the student information system, I  
11 can't think of any.

12          Q.     You say the student  
13 information system, is that something  
14 more recent, like, the last couple of  
15 years, you would have that blank?

16          A.     That was the eSchool in  
17 '15/'17 and then Infinite Campus  
18 beginning in '19/'20.

19          Q.     What about before then, I  
20 mean, like, before eSchool there was just  
21 paper stuff. Was there a process in  
22 place that the district would call to  
23 find that out?

24          A.     I am not aware of anything

1 additional.

2 Q. Okay. Is it important to  
3 have that information of the results of  
4 an adjudication of a student that's going  
5 to be continuing in the district?

6 A. You're asking for my  
7 opinion?

8 Q. Well for -- as the district.

9 A. I'd like to think that if  
10 it's important for us to know, we are  
11 told of the outcome. I do believe that  
12 adolescents make mistakes, and in most  
13 cases they can be rehabilitated with  
14 supports. So I believe that if we need  
15 to know, law enforcement would tell us.  
16 We have a very good relationship with  
17 them. I don't know that I believe  
18 that -- and the district believes that we  
19 need to know every outcome.

20 Q. Is there anyone monitoring  
21 the Title IX investigations to see  
22 whether additional training needs to be  
23 done or a change in policies and  
24 procedures of the way things operate is

1 done on a, on a consistent basis?

2 A. I would think that those  
3 findings would be anecdotal through  
4 Mr. Somers workings with the Title IX  
5 coordinator. When we find holes in  
6 processes, we try and fix them, right?  
7 So, if something were to be uncovered as  
8 a result -- for example, wondering if  
9 it's possible for an alert to be put up  
10 on a student of -- that student's  
11 schedule, then we do it. So in terms of  
12 a formalized process, I think it's -- the  
13 answer's no.

14 Q. Okay.

15 A. But I do believe that there  
16 are systems in place where we strive for  
17 continuous improvement.

18 Q. Have there been -- I guess  
19 I'll come back to that. I'm going to  
20 show you some of the documents that you  
21 reviewed in this case in preparation for  
22 the deposition and to go through them  
23 with you. Give me one second.

24 Are you able to see that?

1           A.     I am.

2           Q.     Is it large enough for you?

3           A.     It is.

4           Q.     Okay.  I'm referring to  
5   bates No. 1 of the North Penn School  
6   District production.

7                   Whose, whose notes are  
8   these, this typed up document?

9           A.     I believe that was Dr.  
10   Ann-Marie Lucas, wrote those.

11                   What page are you on, I'm  
12   sorry?

13          Q.     10001.

14          A.     Okay.

15          Q.     You have it in front of you  
16   as well?

17          A.     I don't, but I'll find it.

18          Q.     I mean, can you see it on  
19   the screen?

20          A.     I can, yeah.

21          Q.     Okay.  And I'm just gonna be  
22   going through it with you now.

23          A.     Yup.

24          Q.     And who is, who is Ann-Marie



1 Lucas?

2 A. At the time of those notes,  
3 she was the director of special  
4 education.

5 Q. Okay. How -- do you know  
6 when she took on that role of director of  
7 special education?

8 A. Yes. She followed when Dr.  
9 Rufo got promoted. So it would have been  
10 2018.

11 Q. How did this, this meeting  
12 come about between Mrs. [REDACTED]  
13 yourself -- is it Dr. Lucas?

14 A. It is now; it wasn't then.  
15 I honestly believe that it was a phone  
16 call from me saying I would like to sit  
17 down and talk to her. I was neutral in  
18 my position at the time, and the  
19 situation was brought to my attention, I  
20 supervise the high school, and I reached  
21 out to her and said, can I sit down with  
22 you. And I think there was some  
23 apprehension initially, and then she  
24 called back and said, I'd be willing to

1 meet with you. So she, Ann-Marie and I  
2 all sat down.

3 Q. How was the situation  
4 brought to your attention?

5 A. I believe Mr. Nicholson  
6 reported it to me.

7 Q. And when -- do you remember  
8 when that was?

9 A. It was certainly in the fall  
10 of that year. I don't know the exact  
11 date. Is there a date at the top of this  
12 document.

13 Q. There's not, no.

14 A. I'm certain I can find it  
15 quickly, because it would be in my  
16 calendar, this meeting. But yeah, I'm  
17 going to guess right around October of  
18 that year, and he called me to tell me  
19 what happened. I was not aware of this  
20 situation prior to, and so he called and  
21 shared some details with me, and of  
22 course I was upset about it and wanted to  
23 get to the bottom of it. So I called  
24 Mrs. [REDACTED] I believe, myself and

1     then we met.

2                 Q.     Why were you upset about it?

3                 A.     Because I was disappointed  
4     that a student ended up in the same class  
5     when they should not have been in the  
6     same class, and obviously the behaviors  
7     that were alleged, and there was no  
8     specificity as to what happened, none. I  
9     believe the term was sexually assaulted.  
10    And I wanted to meet with the parent.

11                Q.     When you say there was no  
12    specificity as to what happened other  
13    than using the phrase sexually assaulted,  
14    was that the term that Principal  
15    Nicholson had used to you in that  
16    conversation?

17                A.     Great question. I'm not --  
18    I can't say with confidence if he said  
19    that. My recollection of what he said to  
20    me back then was that, look, here's a  
21    situation, apparently there was some  
22    misconduct in elementary school, two  
23    students were to be separated, they went  
24    to different middle schools, and when she

1 came to the high school, mom let us know  
2 that she should not be in the same  
3 classes with this student, and at the IEP  
4 meeting, the case manager checked their  
5 schedules, they were not in the same  
6 class, somehow, I'm not sure how, they  
7 ended up in the same social studies  
8 class, and mom says that it happened  
9 again.

10 That's how it was outlined  
11 to me; with no detail. So that's when I  
12 reached out to mom.

13 Q. When you said that Principal  
14 Nicholson said that, mom let us know  
15 before [REDACTED] had entered the high  
16 school, meaning, like, let Principal  
17 Nicholson know of the past conduct that  
18 had happened in elementary and then the  
19 fact that they were separated?

20 A. When he was using the term  
21 "us", I don't believe it was him. I  
22 don't believe he was initially involved  
23 in the first meeting. So it would have  
24 been the case manager, specifically, and

1 the special ed supervisor. At the time,  
2 I believe that was Meg Schoppe and Kate  
3 Small. Juliet Matje was transitioning  
4 from special ed supervisor at the high  
5 school to the elementary school. So I  
6 think there was a little transition  
7 period or overlap with Kate and Juliet.

8 Q. Do you know specifically  
9 whether any of those three individuals  
10 had let Pete Nicholson know?

11 A. Good question. I don't know  
12 that, whether or not they told him that  
13 they can't be in the same class.

14 Q. Okay. Or of the situation  
15 that was going on between them?

16 A. I don't know that for a  
17 fact.

18 Q. Okay.

19 A. Yeah. It is not, it is not  
20 uncommon in a high school of 3,000 kids  
21 for two students to need to be separated.  
22 That is not common -- uncommon, sorry.  
23 So, I'm not certain that the special ed  
24 supervisor would have said to the

1 principal, hey, Student A and Student B  
2 aren't allowed to be near each other.

3 Q. Is there a process in place  
4 at the district -- and this is during  
5 this timeframe, the relevant timeframe,  
6 you know, 2018 -- was there a process in  
7 place -- since you said it's not uncommon  
8 for students to need to be separated --  
9 that the district would implement as to  
10 how that should happen when students need  
11 to be separated?

12 A. Since -- I'm sorry, did you  
13 say since then or now -- or, then?

14 Q. Then. What was the process  
15 then?

16 A. Yeah. It was typically word  
17 of mouth. It was typically those  
18 meetings that we spent quite a bit of  
19 time discussing earlier in this  
20 conversation, where the counselors meet,  
21 the assistant principals meet. My honest  
22 assessment in this situation, initially,  
23 was that the middle -- the two separate  
24 middle schools didn't note that these two

1 students need to be separated because  
 2 they were not both in either school. So  
 3 I would assume that the counselor at  
 4 Pennbrook and the counselor at Penndale  
 5 did not say anything to the counselors.  
 6 However, mom did, at the IEP meeting.  
 7 And it's my belief that the schedules  
 8 were checked. I know the individuals  
 9 involved, and I can't say enough about  
 10 Kate or Megan, two of our finest, and I  
 11 believe they did check their schedules,  
 12 and I also have reason to believe that  
 13 they were correct, that they -- the two  
 14 students were not in the same class,  
 15 because I was able to go back and check  
 16 their schedules the day of the IEP  
 17 meeting, and they were not. So, I think  
 18 they did as they said.

19 Q. What's the process that is  
 20 in place, though, when you're -- or, what  
 21 are the available processes in place to  
 22 separate two students at the high school?  
 23 I know you did talk about schedule  
 24 checking as one. But are there other --

1           A.       Yes.

2           Q.       -- avenues that that can be  
3       accomplished, to keep two students  
4       separate?

5           A.       Yes. I believe that is  
6       referenced in one of these documents  
7       here, that Mrs. Schoppe would meet with  
8       ██████████ Often, we would set routes for  
9       two kids. So let's say you have two kids  
10      who got in a fight, and they can't be  
11      near each other, when they see each  
12      other, they see fire and they fight  
13      again-type of thing. So we would give  
14      explicit instructions on which directions  
15      students need to walk. Okay, you are to  
16      walk from this class to this class on  
17      this floor, use this stairway, and  
18      there's a reciprocity, I guess, there  
19      with the other student. Or, we give one  
20      student a pass so that they can leave  
21      class early so that they are in the  
22      hallways when no one else is, and they  
23      get a three-minute head start or whatever  
24      it is to get to the next class, and then



1 they don't need to interact with the  
2 other student. There's also going as far  
3 as families that say, I want to know if  
4 so-and-so is going to the dance, because  
5 my kid's not going if he or she is there.

6 So there are small measures  
7 that we can put in place and, quite  
8 frankly, checkpoints for the student,  
9 which I also believe happened in this  
10 case, where who you can talk to, who you  
11 can -- where to go, how to get support,  
12 if something happens who you report it  
13 to. So those are just some of the things  
14 that we do to try to help mitigate  
15 circumstances where two kids can't be  
16 together.

17 Q. Do you believe in this case  
18 that a pass or a certain route to take  
19 was implemented at the beginning of the  
20 school year for [REDACTED]

21 A. I do believe that there is  
22 documentation here that that was to  
23 happen, that Mrs. Schoppe was to meet  
24 with [REDACTED] and I also believe that -- I

1 think there are three dates noted where  
2 she met with her, but I don't know that  
3 there is written confirmation that she  
4 gave her a pass or that they discussed  
5 it. I don't know the details of those  
6 conversations from -- in 2018.

7 Q. Okay. And why did --  
8 Principal Nicholson, why was he calling  
9 you to bring it to your attention about  
10 what had happened?

11 A. I think Mr. Nicholson has a  
12 really high moral compass, and the events  
13 as I just described are disappointing.  
14 So he called me and said, hey, this  
15 happened, and I don't know how it  
16 happened, and I'm sorry, but I wanted to  
17 let you know. And that's when I reached  
18 out to the mom.

19 Q. Have you ever had any prior  
20 contact with Mrs. [REDACTED] [REDACTED]  
21 [REDACTED] before this point?

22 A. No. My path did not overlap  
23 with [REDACTED] at all. So I was a high  
24 school principal while she was in middle

1 school and then I left the high school  
2 before she got there. I left the summer  
3 that she was coming in. So I had never  
4 interacted -- I knew nothing about this  
5 case until this point. So if there seems  
6 to be a fluidity to which I'm talking,  
7 it's because I was involved at this  
8 point.

9 Q. Okay. Was -- this was  
10 Principal Nicholson's first year as the  
11 principal of the high school; is that  
12 correct?

13 A. That's correct.

14 Q. Was he a district employee  
15 prior to this time?

16 A. He was.

17 Q. What did he do before then?

18 A. He was the assistant  
19 principal while I was the principal.

20 Q. Oh, at the high school?

21 A. Yes.

22 Q. Okay. How long was he in  
23 that role?

24 A. I'm going to say five or six

1     years.

2                 Q.     Okay.  Was he with the  
3     district prior to that time?

4                 A.     If you give me 30 seconds, I  
5     can tell you.

6                 Q.     Okay.

7                 A.     No.  I can tell you.

8                 Q.     Okay.

9                         MS. LAUGHLIN:  Why don't we  
10     take a brief -- let's go off the  
11     record for a second.

12                        THE VIDEOGRAPHER:  Okay.  
13     We're going off the video record, the  
14     time is 2:12 p.m.

15                                 -   -   -

16                                 (A recess occurred.)

17                                 -   -   -

18                        THE VIDEOGRAPHER:  We're  
19     back on video record, the time is 2:22  
20     p.m.

21     BY MS. LAUGHLIN:

22                 Q.     Dr. Bauer, right before the  
23     break, I just showed you the document  
24     bates No. 1.  I just want to go through

1 this document with you, and were you able  
2 to find out when this meeting had  
3 occurred?

4 A. Oh, no. The -- my task was  
5 to determine when Mr. Nicholson started  
6 with the district, which was --

7 Q. Oh, I'm sorry. Go ahead.

8 A. 10/7/13.

9 Q. Okay. Thank you.

10 The -- I want to go through  
11 these notes with you and just kind of, if  
12 you can, as we go through them, tell me  
13 what you're remembering about, about the  
14 meeting.

15 A. Okay.

16 Q. It says that, mom provided  
17 the below background in perspective  
18 resulting in current concerns of [REDACTED]  
19 education provided to date.

20 Would you agree, that's how  
21 the meeting started, that Mrs.  
22 [REDACTED] was filling you as well as  
23 Ann-Marie Lucas in?

24 A. Yes. And for the record, I

1 didn't want to let you down; December  
2 11th, 2018. So I was wrong. The meeting  
3 took place on December 11th.

4 Q. This meeting referenced on  
5 Page 1?

6 A. Yes. I said October; I was  
7 wrong.

8 Q. Okay.

9 A. Okay.

10 Q. And so, I mean, I can  
11 represent to you, I believe the record  
12 states that it was reported or that, you  
13 know, Mr. Nicholson became aware of what  
14 had happened in the classroom in late  
15 October, according to the records.

16 When did Principal Nicholson  
17 inform you of what had happened?

18 A. I think immediately. If I  
19 recall correctly, there was some --  
20 unfortunately, there was some legal  
21 minutia that prevented us from meeting in  
22 a timely manner. Initially, we -- I had  
23 reached out, and it was kind of, we'll  
24 get back to you, and it took weeks, and I

1 think I did say before the break here  
2 that she eventually agreed to meet with  
3 me. So, it took some time to get it  
4 scheduled. So I believe that that's the  
5 reason why it was on December 11th.

6 Q. Meaning, that you had  
7 reached out to Mrs. [REDACTED] initially  
8 when you found out back in October?

9 A. That's correct.

10 Q. And you said some legal  
11 minutia happened that allowed you to not  
12 be able to meet with her until December;  
13 is that right?

14 A. Yeah. My understanding was  
15 that she was under the advice of counsel,  
16 and she -- I recall her actually  
17 apologizing; sorry this took so long, but  
18 I wasn't going to meet with you, then  
19 they said I could meet with you-type of  
20 thing.

21 Q. Okay. Was any legal minutia  
22 on the district's end?

23 A. No. No, not at all.

24 Q. Okay. And so you have this

1 meeting and mom is starting out the  
2 meeting explaining what had happened?

3 A. Yes.

4 Q. Okay. And then, can you  
5 just kind of, like, if it's helpful to go  
6 through this or if you have all of this  
7 from memory and you remember what was  
8 happening and discussed at the meeting.  
9 However it's easiest for you, I just want  
10 for you to explain, I guess, what  
11 happened at this meeting?

12 A. Yeah. I think the meeting  
13 was fairly straightforward, in that mom  
14 detailed for me -- and again, at that  
15 time, other than what I had gathered from  
16 Mr. Nicholson, I didn't know Mrs.  
17 [REDACTED] and I didn't know [REDACTED]  
18 and I didn't know [REDACTED] quite frankly.  
19 So we met, and she had told me what had  
20 happened. She told me about the meeting  
21 in the summer, the IEP meeting, that her  
22 understanding was that the kids were not  
23 in the same class, that [REDACTED] was not  
24 performing well in the class, her grades



1     were not good, and the teacher  
2     recommended a level change.  When the  
3     counselor -- or, the home office, which  
4     includes your counselor and your  
5     assistant principal, initiated changing  
6     her class, because she was failing, they  
7     said that she reported, ultimately, I  
8     believe to the tech school, that this had  
9     happened at the high school, that she had  
10    been assaulted again by [REDACTED]  So I  
11    listened to the story.

12           Q.     Let me just stop you right  
13    there.  I have one question to ask you.

14                   When you said that [REDACTED]  
15    was failing the class --

16           A.     Yes.

17           Q.     -- at the high school and  
18    that she was going to be moved and then  
19    she reported this to the high school,  
20    where did you get that information from?

21           A.     I said to the tech school.

22           Q.     I'm sorry, I apologize.  To  
23    the tech school.

24                   Where did you get that

1 information from?

2 A. I -- based upon memory, I'm  
3 saying I believe Mr. Nicholson telling me  
4 that, but I think it's also in Kate  
5 Small's notes that were provided here,  
6 that she notified someone at the tech  
7 school.

8 Q. But, I mean, specifically  
9 that, you know, that was the progression  
10 of what happened, she was failing, she  
11 was gonna be moved, then she told  
12 somebody at the tech school, that  
13 information, was that from Principal  
14 Nicholson?

15 A. That's my understanding of  
16 the events, which, I believe, you know, I  
17 developed my understanding of the events  
18 based upon conversations and notes that  
19 I've read.

20 Q. Was there --

21 A. Go ahead.

22 Q. Was there any understanding  
23 that you -- that was communicated to you  
24 as to the motivation for [REDACTED] if any,

1 of, of reporting that she had been  
2 assaulted by [REDACTED]

3 A. The motivation --

4 MS. JORDAN: Objection to  
5 the form of the question.

6 You can answer, if you  
7 understand.

8 THE WITNESS: No, I don't.

9 The motivation of why she reported it?  
10 BY MS. LAUGHLIN:

11 Q. Yeah. I'm asking, did Pete  
12 Nicholson communicate to you whether he  
13 had believed [REDACTED] disclosure that she  
14 had been inappropriately touched by

15 [REDACTED]

16 A. I'm sorry, ask that one more  
17 time.

18 MS. LAUGHLIN: Can you read  
19 it back, Court Reporter, please.

20 THE COURT REPORTER: Sure.

21 Question: Yeah. I'm  
22 asking, did Pete Nicholson communicate  
23 to you whether he had believed  
24 [REDACTED] disclosure that she had been

1           inappropriately touched by [REDACTED]

2                   THE WITNESS:   Okay.   Thank  
3           you for that clarification.   That was  
4           dramatically different than my  
5           understanding the first time.

6                   Mr. Nicholson did not, in  
7           any way, shape or form, provide a  
8           judgment on the allegation.

9   BY MS. LAUGHLIN:

10           Q.     Have you ever been informed  
11           or had the impression that [REDACTED] had  
12           made up the disclosure that she was  
13           inappropriately touched by [REDACTED]

14           A.     No.   Unequivocally, no.  
15           That she made it up, no.

16           Q.     Or that it was, like,  
17           untrue?

18           A.     No.   I have not heard anyone  
19           dispute whether or not.   I'm not sure  
20           I've heard anyone pass a judgement one  
21           way or the other, whether or not he  
22           touched her, no.

23           Q.     Did Pete Nicholson ever  
24           communicate to you that the reason that

1 [REDACTED] had disclosed at that time was  
2 because she didn't want to be removed  
3 from the social studies class?

4 A. No. He did not tell me that  
5 she disclosed that because she didn't  
6 want to be removed, absolutely not.

7 Q. Okay. When I took the  
8 deposition of Curt Dietrich last week, or  
9 recently, he had explained -- or, he had  
10 testified that somebody had told him, he  
11 thought it might have been Pete  
12 Nicholson, that the reason that [REDACTED]  
13 had disclosed at that time was because  
14 she didn't want to be removed from the  
15 class. Have you heard anybody say that  
16 before?

17 MS. JORDAN: Note my  
18 objection to the form of the question.  
19 You can answer.

20 THE WITNESS: Yeah, I have  
21 not. Quite frankly, that makes no  
22 sense to me. Why would she report  
23 that as a rationale for not being  
24 moved? I mean, reporting that would

1       absolutely result in her being moved.  
2       So, that makes no sense.

3               Now, do I think that the  
4       timing is, I guess, subject to  
5       consideration, sure, that she was  
6       told -- she reported it after she was  
7       told she was moving. But I don't, I  
8       don't think that would be a good  
9       reason for her to report. I don't  
10      want to move, so I'm going to report  
11      that someone assaulted me. That, that  
12      doesn't make any sense to me. So no,  
13      I have never heard that, I have never  
14      heard anyone allege that, no.

15   BY MS. LAUGHLIN:

16           Q.     Why is it -- you said the  
17      timing would be a consideration; why is  
18      that?

19           A.     I think that there were  
20      several checkpoints along the way. My  
21      understanding is that [REDACTED] was getting  
22      counseling on a regular basis, that her  
23      case manager checked in with her on  
24      multiple occasions since the start of the

1 school year, to check in and see how  
2 things were going, and it was never  
3 reported. So, for it to come out the day  
4 after that she was told she was going to  
5 be moved from level five to level four, I  
6 said that I believed that to be worthy of  
7 a conversation. Like, I don't know why  
8 she told -- decided to tell someone then  
9 as opposed to earlier, but I haven't  
10 given any thought as to what the  
11 motivation might be. Yeah, so, I have  
12 never heard anyone allege that she said  
13 this because she didn't want to switch  
14 classes. That doesn't make sense to me.

15 Q. You said that the timing  
16 would be part of conversation that the  
17 day after she told she was -- was told  
18 she was moved, then she reported. What,  
19 what correlation do you believe those two  
20 things have?

21 A. I believe I intended to say,  
22 at least, that it was worthy of  
23 consideration. Like, I would like to  
24 know why. If this was occurring, I'd be

1 interested in why she reported it then as  
 2 opposed to the times that her case  
 3 manager checked in on her and opposed to  
 4 the times that she met with the  
 5 counselor. That would be a question. I  
 6 have never spoken to [REDACTED] I have never  
 7 met her in my life, but I would be  
 8 interested in that answer. But that's  
 9 not me passing judgement in any way,  
 10 shape or form. It's just, I don't know  
 11 why it was reported that day as opposed  
 12 to two, three -- the first day of school;  
 13 I don't know.

14 Q. Did you ever try and find  
 15 out that answer?

16 A. Mom had told me her  
 17 rationale when I met with her, and she  
 18 just said she didn't trust us, so she  
 19 didn't report it. That was kind of the  
 20 explanation there. I've never spoken to  
 21 [REDACTED] again. So, I still to this  
 22 day -- and I recognize that I'm jumping  
 23 ahead -- I still to this day don't know  
 24 what's alleged to have happened; I don't



1 know. I read more detail in a newspaper  
2 article than I knew about what is said to  
3 have happened at North Penn High School.

4 Q. You said yourself, today,  
5 you still question why she reported at  
6 that time; is that right?

7 A. I said I think it's worthy  
8 or consideration and I wonder. Yeah, I  
9 don't know why -- it's just sad or  
10 unfortunate to me, that when -- you know,  
11 assuming that these events did occur,  
12 that multiple adults checked in with a  
13 student on a regular basis and it was  
14 never reported, because, of course, I  
15 would like to keep kids safe and, of  
16 course, I don't want something like this  
17 to happen to a child. So, yeah, I wish  
18 this had -- I wish a lot of things had  
19 happened differently, of course. But I  
20 just don't know why then in October as  
21 opposed to weeks earlier, when there were  
22 check points along the way, that's all,  
23 that's what I meant.

24 Q. Mom, I mean, mom told you in

1 this meeting, right?

2 A. Mom told me what she thinks,  
3 yes, she did.

4 Q. Do you have some reason to  
5 disagree with what mom told you?

6 A. No, I don't.

7 Q. But you're still saying,  
8 today, that you wish you knew and it's  
9 worthy of consideration; is that right?

10 A. Sure, yeah. I, I said that,  
11 yes. I, I wish we had known before,  
12 because, of course, we would have stopped  
13 it. So, yeah.

14 Q. No, I meant specifically  
15 about this issue, about the timing of  
16 [REDACTED] reporting. I'm saying, mom told  
17 you -- you said what she believed to be  
18 the case.

19 A. Right.

20 Q. Did you ever try and find  
21 out whether there was another reason that  
22 exists out there --

23 A. Nope.

24 Q. -- you're saying that, I

1 wish I knew today?

2 A. No, I don't. I haven't  
3 spoken to [REDACTED] I, I did answer this  
4 question. I -- no, I have not pursued  
5 another rationale. I know what mom told  
6 me she thought, and I have no reason to  
7 believe that that's not true. I just --  
8 it's a fact of the case that is  
9 disappointing to me, that we didn't know  
10 sooner, I wish we had. Regardless of how  
11 it would have happened, that's all.

12 Q. Okay. So mom tells you in  
13 this meeting that three events occurred  
14 over the years to [REDACTED] one happened  
15 when she was five and then again in sixth  
16 grade, and in the sixth grade year, it  
17 was alleged sexual assault occurred with  
18 [REDACTED] by a student in her class.  
19 Teachers didn't report it. [REDACTED] is the  
20 alleged student.

21 Is there anything about this  
22 meeting and mom telling you this that you  
23 recall that isn't included in this?

24 A. No. Actually, I remember --

1 I have a very good memory. I have plenty  
2 of character and personal flaws, but I do  
3 have a good memory, and when I looked  
4 this over in preparation today, I was  
5 impressed with the notes. It's -- I  
6 think it's very detailed. So, the one  
7 thing that maybe isn't reflected in  
8 here -- I don't know if you could please  
9 scroll down a bit -- my meeting with mom  
10 was actually -- keep going, please.

11 Q. Oh. Mm-hmm.

12 A. And further, please.

13 Q. Sure.

14 A. Go all the way to the  
15 bottom, please.

16 Q. Okay.

17 This?

18 A. Yeah. There is a part in  
19 here where she said -- go up a little bit  
20 higher. It's right at the end here.  
21 Right there. So the second bullet from  
22 the bottom. Mom shared she was happy  
23 that we met with her, and it was the most  
24 honest and open conversation that she has

1 had and has wanted to have occur.

2 My meeting with mom was  
3 rather productive. Mom was -- she  
4 actually used the phrase, which I don't  
5 believe is reflected here, "where have  
6 you been this whole time", when she was  
7 talking to me, because she said she  
8 trusts me, she liked me. I don't recall  
9 if it ended in a hug. Of course, when  
10 someone is outlining the details of their  
11 daughter, it's an emotional thing, and as  
12 a father of a daughter, I, you know, I  
13 feel for Mrs. [REDACTED] But I did  
14 feel that the meeting was positive, and  
15 she said to me, "I wish I had met you  
16 long ago", because I was just trying to  
17 work with her and help her through all of  
18 this and -- so, it was, it was positive.  
19 I would describe the outcome of the  
20 meeting, given the circumstances, as  
21 extremely positive, and I think it's  
22 reflected in that bullet, but I'm not  
23 sure that that bullet does it justice,  
24 because she honestly used the phrase

1 "where you have been all my life" type of  
2 thing.

3 So, it was a difficult  
4 meeting, it was a necessary meeting, it  
5 ended on great terms. I am understanding  
6 that she does not like Dr. Dietrich, she  
7 made that abundantly clear throughout the  
8 meeting, but I thought she and I, in our  
9 hour or two together, developed a pretty  
10 good rapport.

11 Q. Did she explain to you why  
12 she doesn't like -- why she told you or  
13 you're saying she didn't like Dr.  
14 Dietrich?

15 A. Yeah. She, she blamed him,  
16 and she overtly said that on numerous  
17 occasions, that this is Dietrich's fault,  
18 because he's the superintendant and,  
19 yeah, things can get dropped from  
20 elementary to middle and middle to high,  
21 but he was there -- he knew about this  
22 the whole time, and this is his  
23 responsibility. That's what mom said to  
24 me.

1           Q.     That Dr. Dietrich knew this,  
2     meaning, like, the assault in sixth  
3     grade, what happened in ninth grade at  
4     the tech school --

5           A.     Yes.

6           Q.     -- and then, again, you  
7     know, going into high school?

8           A.     Yes. That is what mom said.

9           Q.     Okay.

10          A.     So -- but she was very  
11     complimentary of me. She was -- alluded  
12     to, I'm not sure which direction I'm  
13     going to go here, I'm so happy that  
14     there -- she didn't use this phrasing,  
15     but she did use hyperbolic phrases in  
16     saying something like, I'm not sure if  
17     I'm going to sue you guys for all your  
18     worth or if I'm happy with the outcome  
19     here, and she actually used that phrased.  
20     So --

21          Q.     She used the phrase to you  
22     that, "I'm not sure if I'm going to sue  
23     you for all your worth."

24          A.     She did.

1 Q. Okay.

2 A. She did. It wasn't pointed  
3 at me, but she did say that in the  
4 meeting.

5 Q. Was it in, like, a joking --

6 A. Yes.

7 Q. -- response? And did you  
8 laugh when you heard that?

9 A. I believe. It was towards  
10 the end of the meeting, and it was in the  
11 context of, you know, this was really  
12 great, thank you, I'm still not sure if  
13 I'm going to sue you for all you're worth  
14 or if I'll be in touch-type of thing, and  
15 it was said with a smile. So, again, and  
16 I think if you spoke with her and asked  
17 her about this meeting, she would tell  
18 you that it was a positive meeting with  
19 me.

20 Q. Was mom happy throughout  
21 this meeting, or were there other  
22 emotions, like, her being angry or upset?

23 A. I did mention that it was  
24 emotional as she told the story, which I



1 completely understood as a parent.

2 Q. Emotional, was she crying in  
3 the meeting?

4 A. Yes.

5 Q. This part on Page 1 where  
6 it's talking about what had happened at  
7 the tech school, do you remember mom  
8 actually telling you about the incident  
9 that had occurred at the tech school?

10 A. I recall us discussing it,  
11 yes.

12 Q. Tell me what you remember  
13 about, about that.

14 A. I'm trying to see if there's  
15 anything additional to what I'm reading  
16 here. I recall -- like, from memory, I  
17 recall her saying, you know, they were to  
18 be separated, it took a while until she  
19 found out that [REDACTED] was at the tech  
20 school as well, she contacted Dr.  
21 Dietrich and wanted [REDACTED] kicked out of  
22 the tech school, then they worked on a  
23 plan to kind of keep the two students  
24 separate, in separate programs, safety

1 plan of sorts at the tech school, who the  
 2 point people were that she was to go to,  
 3 which security guard she should talk to,  
 4 who the fall back was going to be if that  
 5 security guard wasn't present. I know  
 6 she had an exceptionally close  
 7 relationship with Dr. LeBlanc. That's  
 8 what I recall the discussion being about  
 9 the tech school.

10 Q. When you say exceptionally  
 11 close relationship with Dr. LeBlanc, what  
 12 do you mean?

13 A. Mom was very complimentary  
 14 of Dr. LeBlanc. Like, she's her ally,  
 15 she's the one who looks out for her,  
 16 she's the best-type of thing, amidst  
 17 criticism of some others, I believe.

18 Q. And then after the ninth  
 19 grade incident at tech school, there's  
 20 this meeting that occurs at the high  
 21 school kind of -- the year; is that  
 22 right?

23 A. Yeah.

24 Q. What do you remember about

1 the meeting mom describing what had  
2 happened -- high school meeting?

3 A. Yeah. I remember that mom  
4 said, look, there are -- there's a boy  
5 that she's not allowed to be around, I  
6 don't want too many people to know about  
7 this, it's time for us to move on, but  
8 they are to be separated, under no  
9 circumstances can they be in the same  
10 class, I believe that they can see each  
11 other in the hallways or walk past each  
12 other, but they cannot be in the same  
13 class or the same lunch. I told her that  
14 they were gonna check her schedules --  
15 their schedules to make sure that they  
16 weren't and -- yeah, that's my  
17 understanding of the initial meeting.

18 Q. Is this from mom, mom  
19 telling you this in this meeting?

20 A. Yes, that's my recollection.

21 Q. And Kate Small and Megan  
22 Schoppe, do they have, like, the ability  
23 and the authority to be implementing  
24 these separation measures?

1           A.       Yes. I would say that  
2     that -- it's a regular occurrence for a  
3     case manager, which was Megan, at the  
4     time, to kind of work through plans for  
5     how to walk, who to go to, if something  
6     happens, how to report it, that kind of a  
7     thing and then to have regular check-ins.

8           Q.       Okay. Is there anything  
9     else you can recall up to this point in  
10    the meeting with Mrs. [REDACTED] that we  
11    didn't already talk about?

12          A.       Up to that point, no, I  
13    don't recall anything else.

14          Q.       Okay. And then the next  
15    note here, it says, on October 29th, mom  
16    gets a call from [REDACTED] and that she was  
17    being assaulted again by the same  
18    student.

19                    Tell me what you recall  
20    about mom telling you in this meeting?

21          A.       I don't recall anything  
22    additional to what's written here. I  
23    recall her being emotional and kind of  
24    just, for lack of better phrasing,

1     incredulous, I can't believe this, this  
2     is happening, how could this happen-type  
3     of thing. She did express, you know,  
4     just no trust in us. But yeah,  
5     everything that's outlined right here, I  
6     recall.

7             Q.     No trust in us, meaning the  
8     district?

9             A.     Yes. She said things like  
10    [REDACTED] will never step foot back in that  
11    building again.

12            Q.     Did you -- when mom was  
13    telling you this, did you explain to her  
14    about what her rights were under Title IX  
15    as to accommodations, whether it's at the  
16    school or what other things the district  
17    can implement for [REDACTED]

18            A.     Yeah, I did. And I actually  
19    talked to her about filing a report. I  
20    believe these notes reflect that I  
21    provided a form. So we did have that  
22    conversation.

23            Q.     Up to this point, had a  
24    investigation occurred at all for what

1 had happened in the high school?

2 A. I would assume, yes, at this  
3 point, on December 11th. I can, you  
4 know, I can look here. There are notes  
5 from interviews with other students in  
6 the class, there's a -- there are notes  
7 here from the teacher that would tell you  
8 when the investigation occurred. I don't  
9 recall exactly -- hold on -- I'm seeing  
10 that, on November 9th, Megan Schoppe  
11 provided a statement. On November 5th,  
12 the teacher sent an e-mail outlining what  
13 he saw in the classroom. So yes, I guess  
14 it's fair to say that an investigation  
15 had taken place at that point.

16 Q. Do you know --

17 A. If --

18 Q. -- there's -- sorry, go  
19 ahead.

20 A. No. If there are notes,  
21 statements from teachers and students in  
22 November and this meeting was in  
23 December, then yes, an investigation of  
24 some sort took place.

1           Q.     Do you know, there's some  
2 student notes about I guess some  
3 interviews of students --

4           A.     Yes.

5           Q.     -- at Pages 842 -- or, I'm  
6 sorry -- 541, 542. Do you know when  
7 those were taken?

8           A.     I don't.

9           Q.     Do you know whose  
10 handwritten that is?

11          A.     That looks like Mr.  
12 Nicholson's handwriting.

13          Q.     You refer to a statement by  
14 a teacher. Are you just talking about  
15 that e-mail?

16          A.     Yes. And Megan Schoppe  
17 provided one as well, I believe. It has  
18 her signature at the bottom. I'm talking  
19 about 543 and 544.

20          Q.     Do you know who was managing  
21 or leading the investigation in the tenth  
22 grade?

23          A.     At this point I would assume  
24 it was in the hands of Mr. Nicholson.

1           Q.     Okay.   So when we talked  
2   earlier today you were saying that Title  
3   IX issues of sexual misconduct with  
4   students would all be handled by a Title  
5   IX coordinator.   Do you know why Mr.  
6   Nicholson was the one doing this and not  
7   the Title IX coordinator?

8           A.     My recollection is that this  
9   was under the advisement of Mr. Somers,  
10  at this point.   At this point in the  
11  game, we had been told initially by the  
12  police to stand down and wait while they  
13  conducted their investigation, and then  
14  they told us that we could proceed with  
15  our investigation, that they were not  
16  pressing any charges, there were no  
17  charges being brought, I believe.   And  
18  then at that point Mr. Nicholson and I  
19  spoke with Mr. Somers, and we still  
20  didn't know what was being -- I mean,  
21  it's important to note here that we did  
22  not know what the allegations were.   We  
23  don't -- at no point.   Mrs. [REDACTED]  
24  did not tell me, [REDACTED] never reported.



1 We don't know what was alleged to have  
2 happened, other than she was assaulted  
3 again.

4 We provided a form to Mrs.  
5 [REDACTED] to ask, you know, [REDACTED] to  
6 write a report. We offered to interview  
7 her. Mom told me she will not step foot  
8 in that building. Mom did not want us to  
9 talk to her. So we had nothing to work  
10 from. So, at that point, I believe the  
11 advice was check with a couple students.  
12 You know, we're not gonna interview 28  
13 kids, but let's talk to a couple students  
14 and see if there's, there's anything here  
15 to go off of. Not whether or not it  
16 happened, just if there's evidence to  
17 suggest that something happened here. We  
18 interviewed these students. I don't  
19 believe -- I think there was one comment  
20 in one of the student's statement that I  
21 think you could say, okay, we could  
22 unpack that a little bit. But otherwise,  
23 the teacher, the students, the case  
24 manager, no one had anything to report.

1     So we really didn't have anything to go  
2     by.  So, that's my recollection.

3             Q.     When you said that all you  
4     knew was [REDACTED] was assaulted again --

5             A.     Yeah.

6             Q.     -- did you have an  
7     understanding of whether it was, like, a  
8     sexual-type assault or whether she was  
9     punched?

10            A.     I, I did not know that.

11                   MS. JORDAN:  Note my  
12     objection to the form of the question.  
13                   You can answer.

14                   THE WITNESS:  I don't.  I  
15     think I assumed in the moment that it  
16     was a similar type of assault.  So I  
17     assumed that it was alleged that he  
18     touched her inappropriately.  That's  
19     what I assume.

20     BY MS. LAUGHLIN:

21             Q.     Like, in a sexual nature; do  
22     you mean?

23             A.     Yeah.  And again, I didn't  
24     know.  I did not know at that time, and

1 we were, of course, responding to what  
2 the police told us we could and couldn't  
3 do and then working with Mr. Somers and  
4 trying to do things as best we could with  
5 very, very limited information.

6 Q. When you say what -- the  
7 police told you what you could and  
8 couldn't do, who did the police  
9 communicate with specifically?

10 A. I think it was Mr.  
11 Nicholson.

12 Q. And to your understanding,  
13 the police told Mr. Nicholson, "do not  
14 investigate, don't talk to anybody"?

15 A. Yes. It is common in  
16 situations such as this and many we're  
17 they're involved in conducting an  
18 investigation, that they don't want us to  
19 tarnish their investigation, to ask kids  
20 questions -- I think they're afraid that  
21 we will impede their investigation. So,  
22 they like to conduct their business, and  
23 typically we would take immediate  
24 measures to ensure that everyone was

1 safe, and in this case that was certainly  
 2 the case, because [REDACTED] was no longer  
 3 coming to school. So there wasn't  
 4 anything we could do immediately, or  
 5 measures we could take immediately. So  
 6 when they asked us not to investigate  
 7 until they gave us the green light to do  
 8 so, and we didn't.

9 Q. When you say take immediate  
 10 measures to make sure everyone is safe,  
 11 is there any manner that the district  
 12 took to ensure that other female students  
 13 were safe from [REDACTED] who the allegation  
 14 was against?

15 A. I, I think the measures  
 16 we're talking about here, in checking  
 17 with the teacher, checking with other  
 18 students in the classroom and what they  
 19 saw, talking to a case manager. We're  
 20 talking about a student that has zero  
 21 conduct referrals in his time at high  
 22 school. So, we didn't have anything,  
 23 anything reported about this young man  
 24 aside from something happened and we do

1 not know what. So I don't know that it  
2 would be appropriate to take new measures  
3 when we didn't even know what happened,  
4 and this is a student who had zero  
5 conduct referrals.

6 Q. For this high school, which,  
7 he had been there, like, what, two months  
8 or something?

9 A. Correct.

10 Q. Okay. Was [REDACTED]  
11 interviewed at all as part of this  
12 process?

13 A. No.

14 Q. Why not?

15 A. That's a good question. And  
16 in hindsight, I think I, I wish we had.  
17 At the same time, I understand why not,  
18 given the lack of information that we  
19 had. The police -- we did know that the  
20 police investigation resulted in them  
21 pressing no charges and having no  
22 findings, and our questioning of other  
23 students resulted in no findings of any  
24 sort or any allegations, and [REDACTED] and

1 her mom's refusal to let us question or  
 2 investigate with her, we didn't have  
 3 anything. We had nothing to question him  
 4 about other than to say, I guess, "did  
 5 you assault", to which I, I -- you know,  
 6 perhaps it's ignorant of me, but I would  
 7 assume that he would have said no. We  
 8 didn't know what was being alleged,  
 9 how -- if there was touching, what it  
 10 was. So we didn't have anything to ask  
 11 him, because we didn't know what was --  
 12 what she was saying, accusing him of.

13 Q. So there was no questions  
 14 that could have been asked of [REDACTED] at  
 15 that time, then, that would have helped  
 16 in an investigation?

17 A. No. I didn't say that. I  
 18 didn't say there were no questions that  
 19 we could have asked him. I said, at that  
 20 time, we didn't have any information.  
 21 So, yeah, and I also recognize, in  
 22 hindsight, maybe we should have. But we  
 23 didn't, because we didn't have anything  
 24 at the time.

1           Q.     Well I think you had told me  
2     that you could have asked him, "did you  
3     assault this person", is what you could  
4     have asked him; is that right?

5           A.     Yeah. I did say that.

6           MS. JORDAN: Note my  
7     objection to the form of the question.  
8     You can answer.

9           THE WITNESS: I said that.

10    BY MS. LAUGHLIN:

11           Q.     Could have asked him, like,  
12    what happened?

13           A.     Yes.

14           Q.     Is that something someone  
15    from the district could have done?

16           A.     They could have.

17           MS. JORDAN: Note my  
18    objection to the form of the question.  
19    You can answer.

20    BY MS. LAUGHLIN:

21           Q.     Who was directing who gets  
22    interviewed and who doesn't?

23           A.     I believe they -- you know  
24    what, I haven't cross-referenced this,

1 but I believe -- knowing Mr. Nicholson,  
 2 my guess is that they looked at the  
 3 seating chart and they picked students  
 4 around [REDACTED] I haven't  
 5 cross-referenced the two lists, who  
 6 they picked and why. But I'll bet you  
 7 that's -- I mean, that's what I would do.  
 8 I would look at the seating chart and ask  
 9 the kids who say close by and say, "did  
 10 you see anything", "what did you notice",  
 11 "how were the interactions", "anything of  
 12 note that we should know about." That's  
 13 what I would do. But I don't know that  
 14 anyone directed Mr. Nicholson which  
 15 students should be interviewed.

16 Q. Okay. Do you know whether  
 17 there was any instruction from, whether  
 18 it's Mr. Somers or anybody else, as to  
 19 what questions should be interviewed --  
 20 or, asked of these students?

21 A. I don't know that with  
 22 confidence.

23 Q. Okay. And so [REDACTED] ends up  
 24 transferring back to the tech school at



1 this time so that she could be away from

2 [REDACTED]

3 A. I don't -- I'd have to look  
4 closer. I don't recall if -- the way my  
5 meeting with mom ended was essentially me  
6 asking her what her desired outcome was.

7 You know, let's understand -- I

8 understand the circumstances here, I

9 understand why you're upset and why

10 [REDACTED] upset and I understand the  
11 situation, what can I do to help, how can  
12 we try to make this right at this point.

13 And I remember mom saying, "I'll get back  
14 to you". We talked about options, we  
15 talked about other schools, we talked --  
16 because mom made a point that she was  
17 very unhappy with -- I think her name was  
18 Elizabeth Shine -- very unhappy, I don't  
19 want her anywhere near my daughter.

20 That's a teacher at the tech school. She  
21 didn't trust people at the tech school  
22 either other than Dr. LeBlanc. So I  
23 recall her saying she would get back to  
24 us. But we talked about other options.

1 We talked about virtual school, we talked  
2 about, you know, we could pursue Bucks  
3 County Technical Career Center, there  
4 were other schools with therapy, there  
5 are other -- you know, I'm open to  
6 suggestion, you can visit some schools,  
7 but happy to try and help and find a way  
8 to make [REDACTED] feel safe.

9 Q. Okay.

10 A. So, I recall that we -- I  
11 believe, pretty soon thereafter, there  
12 was a meeting, an IEP meeting, and [REDACTED]  
13 ended up attending our virtual academy.

14 Q. Okay. Meaning, attending  
15 school virtually?

16 A. Yes. So we have a -- an  
17 interesting program here at North Penn,  
18 we call it the Northbridge program. And  
19 out of there we run a virtual academy,  
20 but we also have a hybrid program, where  
21 kids come in a couple days a week to get  
22 some reports, some counseling, things  
23 like that. I think, ultimately, [REDACTED]  
24 was presented with all the options, but

1 ultimately decided to attend virtually.

2 Q. At the top of Page 2, bates  
3 No. 2, where it says, shared some  
4 documentation which was educational  
5 records. Why don't we have records about  
6 the incidents, phone calls, e-mails. It  
7 says transfers of assignments have  
8 occurred. Only filed -- from latest  
9 issue handled by Kate Small.

10 What was the conversation at  
11 this part? Did you respond to mom?

12 A. So, the bullet immediately  
13 thereafter says, Todd explained --  
14 certainly, we don't hold onto every phone  
15 call or all the e-mails, and what was in  
16 our educational records and files was  
17 shared. Logs of phone calls are not  
18 necessarily picked up or shared.  
19 Student's actual file. The TOA was not  
20 in her file. So we had to seek that  
21 separately, which we did, and then  
22 provided. That's how I responded in that  
23 moment, understood mom's concerns. That  
24 was the extent of it.

1 Q. Was there any --

2 A. After that.

3 Q. Sorry, go ahead.

4 A. Nope.

5 Q. Was there anything in  
6 [REDACTED] educational file that would have  
7 referenced the past history between  
8 [REDACTED] and [REDACTED]

9 A. That's hard for me -- I  
10 think I'd have to speculate, because I  
11 see her file now. I don't see her file  
12 as it was then and -- I don't know.

13 Q. When you say you see her  
14 file now, do you have her whole file now?

15 A. I have everything that you  
16 have.

17 Q. I mean, do you know what  
18 part of the records provided came from  
19 [REDACTED] file specifically?

20 A. Do I know that this second,  
21 no. Could I answer that question, yes, I  
22 could, certainly.

23 Q. Go ahead.

24 A. I could go get [REDACTED] file

1 now. I'm sure it's in the vault that we  
2 talked about earlier, from the cartoon.  
3 I could go check the file.

4 Q. Okay. And so, that's the  
5 cume file?

6 A. Yes.

7 Q. Even after student's  
8 graduate, are the cume files still in  
9 that vault?

10 A. Yeah. For three years, I  
11 believe.

12 Q. Okay. So [REDACTED] would  
13 also be, then, in that vault, correct?

14 A. I believe so, yes.

15 Q. Okay. I would ask,  
16 following the deposition today, if  
17 you're -- is it at the building you're at  
18 now?

19 Q. Okay. At the high school?

20 A. Mm-hmm.

21 Q. I would ask that you get the  
22 cumulative file for both [REDACTED] and  
23 [REDACTED] and make a copy of those files, so  
24 we can see exactly what is in those

1 cumulative files, okay?

2 A. Yes.

3 Q. Where are transfers and the  
4 reason for transfers typically documented  
5 for a student?

6 A. And by the way, just, sorry,  
7 to go back to a question that you asked,  
8 how the students were chosen. They are  
9 the students who are immediately adjacent  
10 to [REDACTED] in the seating chart. I'm  
11 looking at the names of the students and  
12 looking at the seating chart. It's all  
13 the kids that were directly next, next to  
14 her.

15 Q. Okay.

16 A. Where -- so transfers of  
17 attendance are logged in my office, for  
18 secondary, and the director of  
19 elementary. So actually, that's how I  
20 got -- I remember when this happened, and  
21 I reached out to Dr. Santoro, because the  
22 TOA was not in [REDACTED] file. It was in  
23 the file that holds all of the transfers  
24 of attendance. So, when that was brought

1 up, I went to Dr. Santoro and asked her  
2 for that transfer of attendance document,  
3 and she had it.

4 Q. Is that something that  
5 should be kept in a student's file?

6 A. That's a good question. I  
7 don't know. I think it should be kept.  
8 Whether or not it needs to be kept in a  
9 student's file itself, I'm not sure that  
10 that's necessary.

11 Q. The mom shared in the  
12 meeting that you could run your  
13 investigation concurrently, according to  
14 Title IX, with the police investigation.  
15 Do you disagree with that?

16 A. I don't disagree with that  
17 statement. I don't think it's illegal  
18 for us to do so, but I do think it's  
19 reasonable that when the police  
20 department asks you not to, we would  
21 typically not, especially in  
22 circumstances where the victim is  
23 unwilling to share any detail or talk  
24 with us.

1           Q.     You said that Todd, which is  
2     you, shared the official bullying  
3     harassment form with mom in the meeting,  
4     so she can officially request our team to  
5     investigate if she and [REDACTED] still wants  
6     that to happen, as the police  
7     investigation has ended.

8                     That part of the meeting  
9     there, is -- can a school investigate  
10    without this form being submitted?

11          A.     Yes. I'd like to point,  
12    again, to the fact that we don't know  
13    what was alleged. Like, it's hard to  
14    investigate something when you don't know  
15    what happened, in any way, shape or form.  
16    There was no official accusation at that  
17    point. We had very little to work from,  
18    and, and what we did do, in asking  
19    students what they saw, heard, the  
20    teacher what they saw, heard, we had  
21    nothing. So, could we have investigated  
22    without the harassment form, I guess the  
23    answer is clearly yes, because we did,  
24    because [REDACTED] nor her mom ever filled it



1 out. So we did. But we did wait until  
2 the police told us that we could. But  
3 I -- two questions ago, you asked do I  
4 agree with mom's statement that we can do  
5 it concurrently, I do, but again, we try  
6 to work collaboratively with the police  
7 department.

8 Q. When you say that you have  
9 no idea, like, what this allegation  
10 was --

11 A. Yes.

12 Q. -- could you have asked mom  
13 for any further detail to ascertain a  
14 little bit more about what this was  
15 about?

16 A. Of course, I could have.  
17 Yes, I could have asked.

18 Q. But you didn't, right?

19 A. No.

20 Q. And as far -- go ahead.

21 A. I mean, I think it's  
22 reasonable to say that me handing her the  
23 form and asking her to write down the  
24 details is me asking that question.

1 Q. About what happened?

2 A. Yeah.

3 Q. Did you --

4 A. I think --

5 Q. -- communicate that to her  
6 that I -- in order for me to know what  
7 happened, you have to fill out this form?

8 A. Yes.

9 Q. Okay. Because when I'm  
10 reading this note here, it's saying,  
11 shared the bullying harassment form with  
12 mom, so she can officially request our  
13 team to investigate.

14 MS. JORDAN: Is that a  
15 question?

16 BY MS. LAUGHLIN:

17 Q. And then it says mom --  
18 okay -- mom took the form with her and  
19 will follow-up with us by completing it  
20 if she wants that to occur.

21 So what part of the notes  
22 here says that mom -- you were telling  
23 mom that this form is for me to better  
24 understand what happened?

1 MS. JORDAN: Note my  
2 objection to the form of the question.  
3 You can answer.

4 THE WITNESS: I think all of  
5 it. I think the fact that I say that  
6 this is the official form and we can  
7 officially investigate, and if she and  
8 [REDACTED] still want that to happen,  
9 since the police investigation has  
10 ended, she took the form and will  
11 follow-up and let me know if she wants  
12 that to occur. I also think that that  
13 statement right there, implies that  
14 she shared with me some trepidation on  
15 us investigating, that she'll complete  
16 it if she wants us to investigate. So  
17 clearly, a conversation occurred  
18 there, and she said to me, we'll see,  
19 I'm not sure, I don't -- you know,  
20 again, I'm paraphrasing. But that  
21 statement right there says to me that  
22 I talked to about us investigating and  
23 if she gives us the details of what  
24 happened, we will be happy to dive

1 deeper.

2 Throughout this whole  
3 process and the initial meeting, she  
4 shared an apprehension to get more  
5 people involved and more people to  
6 know, as reflected in Kate Small's  
7 notes and in my reelection (sic) from  
8 my meeting. But yeah, I think that  
9 entire bullet there suggests that I  
10 had the conversation that you were  
11 alluding to.

12 BY MS. LAUGHLIN:

13 Q. What more would have been  
14 done -- this is, like, talking about fill  
15 out the formal complaint an official  
16 investigation versus the investigation  
17 that had been done before. What more  
18 would have or could have been done?

19 A. Well the more detail someone  
20 provides -- I used the phrase earlier,  
21 when the facts change, so does my  
22 opinion. So, if, if we were given more  
23 detail, this happened, on this date, in  
24 this stairwell, over here, we could look

1 at security footage, we could talk to  
 2 more kids, we could talk to witnesses, we  
 3 could even check cell phones. There's a  
 4 lot that could be done if someone  
 5 actually gives details of what they  
 6 allege occurred. But without that, we're  
 7 not gonna go accusing students and  
 8 digging deeper on something we know  
 9 nothing about. So yeah, there's -- you'd  
 10 be surprised at the measures we could  
 11 take if we had more detail. The, the  
 12 building itself has security camera  
 13 footage everywhere, so.

14 Q. Did you talk at all to or  
 15 reach out to the guidance counselor at  
 16 North Montco who [REDACTED] had disclosed to,  
 17 to find any any more information?

18 A. I did not.

19 Q. Do you know whether anyone  
 20 else did from the district to find out  
 21 more detail?

22 A. It seems as though, in these  
 23 notes, that Kate Small spoke with the  
 24 counselor, I believe.

1           Q.     Do you know whether Kate  
2     Small had an understanding of what had  
3     occurred?

4           A.     I don't believe she did.    So  
5     I don't know that it was shared.    But I  
6     believe Kate that spoke to the counselor  
7     at the tech school.

8           Q.     Okay.   Do you know, do you  
9     know anything about that conversation  
10    between Kate Small, allegedly, and the  
11    counselor at the tech school?

12          A.     No.   I don't know anything  
13    other than what you'll see in 479, in  
14    Kate's notes.

15          Q.     Did you ever find out how  
16    the schedule change occurred, how these  
17    two kids ended up in the same class  
18    together?

19          A.     No, I didn't.   And there are  
20    a couple options.   What I do know is  
21    that, on the day of the IEP meeting, when  
22    Kate Small said she checked their  
23    schedules, we are able to go back into  
24    the system and see that their schedules

1    were entirely exclusive. They had zero  
2    classes together, zero lunch together, we  
3    could see that. Then on the day -- on  
4    the first day of school, [REDACTED]  
5    schedule had changed, not [REDACTED]s. So,  
6    quite frankly, if, if you want to talk  
7    about -- I believe I've heard the term  
8    before deliberate indifference, we --  
9    Kate Small deliberately checked their  
10    schedules, and they were the same, and we  
11    can document the fact that they, they --  
12    I'm sorry, not the same -- they were  
13    different, they had no classes together,  
14    on that date of the IEP meeting, and  
15    something changed, and it was with  
16    [REDACTED] schedule, and there are a couple  
17    of things that could have happened, and  
18    this list is not all inclusive.

19                    But student's schedules  
20    change most regularly due to a student  
21    request. We have a drop/add period where  
22    hundreds of kids come in before the start  
23    of school and say, "I want to drop this  
24    class and add that class", just like

1 college, right, I'm sure you're familiar,  
 2 a drop/add period. Is it possible that  
 3 [REDACTED] came into school during our  
 4 drop/add period before school started and  
 5 said, "I want this class instead of that  
 6 class", totally possible. I don't know  
 7 that that happened. But I know that her  
 8 schedule changed, not his. Is it  
 9 possible that she said to someone later,  
 10 her guidance counsel, "you know, I'd  
 11 really like to take art instead of  
 12 Spanish", and then as a result, the  
 13 social studies -- because there's dominos  
 14 when you're scheduling a high school of  
 15 3,000 students and 400 adults. Okay, I  
 16 can put you in this section, but then I  
 17 have to move this section, which moves  
 18 that section.

19 So, there are a number of  
 20 reasons. They could have looked at the  
 21 master schedule, the load bearing, and  
 22 say, okay, Maureen and I are both  
 23 teaching tenth grade history at the 50  
 24 level, her class has four kids in it, my



1 class has 28 kids in it, we need to move  
2 some kids from this class to that class  
3 to balance it out, right, that kind of  
4 stuff happens. But what I, I know with a  
5 hundred percent certainty and full  
6 confidence is that no one deliberately  
7 did nothing. I am a hundred percent  
8 certain of that. They checked their  
9 schedules, and they did not have the same  
10 classes, but [REDACTED] schedule did change  
11 a few days later, for some reason, and I  
12 don't know the answer why.

13 Q. You said that you know the  
14 term deliberate indifference?

15 A. I do.

16 Q. How do you know that term?

17 A. Because I have a doctoral  
18 degree in education, and we talk about  
19 those things. I've taken quite a bit of  
20 school law classes.

21 Q. And what does that mean,  
22 deliberate --

23 A. To me, it means deliberately  
24 doing nothing, making a conscious

1 decision to do nothing.

2 Q. Okay.

3 A. And I don't believe, in any  
4 step of the processes here, that anybody  
5 in North Penn deliberately did nothing,  
6 and I also believe that, as I said  
7 before, that Kate Small and Meg Schoppe  
8 are two of the finest people I've ever  
9 met, and mistakes happen, unfortunately.  
10 But Kate --

11 Q. Now --

12 A. -- Kate left administration  
13 as a result of this. This is how hard  
14 she took this circumstance. I don't  
15 think there is any fault on Kate's part.  
16 Could she have done things better,  
17 perhaps, maybe she could have checked the  
18 schedules on the first day of school.  
19 But she didn't do it deliberately.

20 Q. When you said Kate left  
21 administration as a result of this --

22 A. Yes.

23 Q. -- was that by her own  
24 doing?

1           A.     100 percent.

2           Q.     And you said because it hit  
3 her so hard?

4           A.     Yes.

5           Q.     How do you know that, or how  
6 do you -- where did you get that  
7 information?

8           A.     From conversations with  
9 Kate.

10          Q.     And what did she tell you?

11          A.     I think she felt  
12 responsible, and she just told me that,  
13 clearly, she's not cut out for, she was  
14 losing sleep, she wasn't eating, and she  
15 was just so upset that a, a student had  
16 this experience. Regardless, I, I feel,  
17 as I've previously stated, that Kate did  
18 not deliberately do nothing.

19          Q.     Did, did Kate tell you why  
20 she felt responsible or, like, if there  
21 was something that she was saying she  
22 should have done that or could have done  
23 that, did she tell you any of that?

24          A.     No. I mean, I think any

1 time something happens with a child that  
 2 is under your care, you feel responsible,  
 3 right? So, I think Kate's position on it  
 4 was, why didn't I check the schedules on  
 5 the first day of school, to which I would  
 6 respond, Kate, there are hundred of kids  
 7 that you're responsible for, you did  
 8 check the schedules, and you had no  
 9 reason to believe that the schedules  
 10 changed. Do I wish she had checked on  
 11 the first day, of course I do, but she  
 12 didn't. And -- but I know she didn't do  
 13 that deliberately.

14 Q. Okay. But there was an  
 15 ability for her to check after this  
 16 add/drop period, where you said it's  
 17 common that schedules are changing,  
 18 things are switching during this period?

19 A. Yup.

20 Q. Were there other things,  
 21 other than just checking the schedule on  
 22 August 22nd, a week, I guess, before  
 23 school started, were there other things  
 24 that the district had the capability to

1 put in place to prevent these two kids  
2 from being together?

3 A. I guess the answer to that  
4 question, now, is yes, right? So as a  
5 result of this happening, we discovered  
6 that we could put an alert on a student's  
7 file in eSchool to pop up when you open  
8 their schedule. We did not know that  
9 prior to this incident. So, prior to  
10 that, I think our process was checking  
11 kid's schedules; oh, Johnny and Sally  
12 can't be in class together, let's check  
13 Johnny and Sally's schedule.  
14 Unfortunately, to my knowledge, this has  
15 never happened before, where two kids  
16 weren't allowed to be together, we check  
17 their schedule, something changed, and  
18 then they ended up being in the same  
19 class. So, we had a system, it wasn't  
20 good enough. You'll note one of these  
21 bullets here, I think it says, Todd said  
22 there is a process, but the process  
23 failed. It's true.

24 Q. That was the process, check

1 the schedule; is that right?

2 A. Yes.

3 Q. That note that was put in,  
4 the little alert that pops up, that was  
5 put in [REDACTED] file, is that right --

6 A. Correct.

7 Q. -- afterwards?

8 A. Yeah, I don't know. I  
9 assume your follow-up question is whether  
10 or not it was put on [REDACTED] I don't  
11 know the answer to that. But yes, it was  
12 definitely -- when [REDACTED] screen pops  
13 up, do not change this student's schedule  
14 without speaking to the principal,  
15 counselor or assistant principal.

16 Q. I can tell you from the  
17 deposition of Kate Small that it was only  
18 placed in [REDACTED] file, not in [REDACTED]  
19 So I guess my question is how would that  
20 have prevented [REDACTED] and [REDACTED] from  
21 being in the same class still?

22 A. That's a great question.  
23 And I don't know that Kate knows that  
24 definitively. That's her understanding,

1 and she's probably right, but I don't  
2 know that. I think that's a pretty clear  
3 issue, though, that it should be placed  
4 on both students.

5 Q. Here, at Page 3, where it  
6 says, mom shared she was upset that  
7 superintendant did not provide more  
8 oversight or communication to keep kids  
9 apart. Todd shared it would not be  
10 superintendant's job to look at schedules  
11 and keep kids apart. Mom shares she  
12 agrees he does not need to be the one to  
13 do the schedule checks, but he should  
14 have shared the information with others  
15 about the incident and keeping them  
16 apart.

17 Do you, do you agree with  
18 that?

19 A. Yeah. But I don't think  
20 anything failed here, in that sense,  
21 right? The, the team at -- this didn't  
22 happen because people weren't aware.  
23 People knew, obviously, as evidence by  
24 all the notes, people knew, and people

1 took steps to prevent it. So they  
2 weren't indifferent. And Dr. Dietrich,  
3 had he been involved, might have said,  
4 hey, just heads up, guys, you know, there  
5 was a situation back in elementary  
6 school, these two students cannot be  
7 together, make sure they're not together.  
8 And had he said that -- and I don't know  
9 that he didn't, I assume he didn't,  
10 because he's not usually involved in that  
11 level with 13,000 kids -- I think the  
12 same thing would have happened, that we  
13 would have had an IEP meeting, we would  
14 have put her in classes, we would have  
15 checked both student's schedules, said,  
16 okay, neither kid is -- and mind you, mom  
17 said if -- in one of these notes, mom  
18 said it's okay if they walk past each  
19 other in the hallway. So, yeah, even if  
20 Dr. Dietrich did that, I think the  
21 outcome still would have been the same,  
22 that Kate would have done what she did,  
23 and I don't know that it would have  
24 prevented it.



1           Q.       Meaning, if Dr. Dietrich had  
2       called and communicated that, that  
3       wouldn't have made a difference?

4           A.       Right, because they knew.  
5       It's not, it's not that they didn't know,  
6       it's not that there was a  
7       miscommunication, it's that her schedule  
8       changed by someone -- some process,  
9       initialed by whom, I don't know. But  
10      people knew. The principal knew. The  
11      case manager knew. The special ed  
12      supervisor knew. People knew. So Dr.  
13      Dietrich didn't need to communicate it;  
14      it was communicated.

15          Q.       I understand.

16                   The top of Page 3, it says,  
17      the student who touched [REDACTED] did it  
18      twice at Penndale, and there are other  
19      allegations, according to mom. It says  
20      Todd may let mom know we are not aware of  
21      the other allegations or the student's  
22      case in general.

23                   Is there more to this part  
24      of the conversation or the meeting that

1     you remember in this discussion?

2             A.     Yeah. So, that was the  
3     first that I had heard that something  
4     happened at the middle school level, and  
5     mind you, [REDACTED] and [REDACTED] did not go to  
6     the same middle school. But mom said in  
7     ths meeting, "yeah, he did this to two  
8     other girls at the middle school". At  
9     that time, I did not know that. I have,  
10    since, looked into it, I have spoken to  
11    the assistant principal at Penndale  
12    Middle School, the assistant principal at  
13    the time, and he said that his  
14    recollection is that he touched two  
15    girls' thighs in the cafeteria.

16            Q.     Who was that assistant  
17    principal you spoke to?

18            A.     His last name is spelled  
19    B -- as in 'bravo' -- A-S-H-A-W, Bashaw;  
20    first name is Jason.

21            Q.     When you had found that  
22    information out, was [REDACTED] still a  
23    student at the high school?

24            A.     No.

1           Q.     Had he -- he had graduated  
2     at that point?

3           A.     Yes.

4           Q.     Is this then when you're  
5     calling the assistant principal, that was  
6     more recently?

7           A.     Yes. That was in -- part of  
8     investigating all of this, pulling  
9     records together.

10          Q.     In preparation for your  
11     decision today?

12          A.     Not necessarily in  
13     preparation for the deposition, but in  
14     preparing the documents that I was asked  
15     to prepare for -- to provide.

16          Q.     Okay. Because I think you  
17     said that [REDACTED] was out of the high  
18     school at this point?

19          A.     Mm-hmm.

20          Q.     It's my understanding that  
21     [REDACTED] just graduated two months ago, in  
22     June; is that right?

23          A.     I don't know if it was this  
24     year or last. This year sounds right.

1           Q.     Because I -- the documents  
2     that were provided were provided probably  
3     in March or April of this year.

4           A.     Okay.  Correct.

5           Q.     So, would you agree with me  
6     that -- so when, when did you communicate  
7     with the principal?  Was it after [REDACTED]  
8     left the high school, or was it while he  
9     was still there, when these documents  
10    were provided?

11          A.     I guess it was more recent.  
12    But your question was did I, did I ask  
13    the principal in preparation for today.  
14    I don't know that it was specifically for  
15    today.  It was in preparation for all of  
16    this, I guess, yeah.  I mean, it wasn't  
17    yesterday, that's fair to say.  But, yes,  
18    it was in preparation for the [REDACTED]  
19    [REDACTED] case.

20          Q.     I guess I'm just trying to  
21    narrow down a little, if we can, the  
22    timeframe in which -- was it the last  
23    couple of months that you spoke to --

24          A.     Yes.

1 Q. -- the assistant principal?

2 A. Yes.

3 Q. Okay.

4 A. Yes.

5 Q. This part on the bottom of  
6 Page 3, where it says honest mistake, was  
7 that you communicating to mom that you  
8 thought Kate checking the schedules on  
9 the 22nd and then a week or so goes by  
10 before the kids get there, the schedule  
11 wasn't checked, again, that's an honest  
12 mistake --

13 A. Yes.

14 Q. -- is that what you are  
15 referring to?

16 A. That's what I believe I was  
17 referring to, yes.

18 Q. Okay. Before you had said  
19 when [REDACTED] had reported what had  
20 happened in the tenth grade year, that  
21 she was assaulted by [REDACTED] that [REDACTED]  
22 was gonna be the one to get moved, like,  
23 she was gonna get moved anyway, do you  
24 remember saying that?

1           A.       That [REDACTED] was going to get  
2 moved anyway?

3           Q.       You were talking about in  
4 the context of, you know, why would she  
5 report for not wanting to get moved from  
6 the, the class, why would that be the  
7 reason or the timing of her reporting, do  
8 you remember that?

9           A.       I recall you asking a  
10 hypothetical question, I believe, and you  
11 were referencing Dr. Dietrich saying that  
12 he thought he heard from someone that  
13 [REDACTED] brought this up because she didn't  
14 want to get moved from the class, and I  
15 said, I don't, I don't think that would  
16 be a good rationale for providing that  
17 information, because one, she was  
18 moving -- she was going to move levels  
19 because she had a 44 percent in the  
20 class, and then, two, if you say, there's  
21 a kid in this class who I'm not supposed  
22 to be in class with, why would we keep  
23 her in there if that was the rationale.  
24 We would move here, or him, but she was

1 leaving the class anyway, because she had  
2 a 44 and she wasn't being successful. So  
3 I was responding to that I have never  
4 heard that as a rationale, and, quite  
5 frankly, that rationale doesn't make  
6 sense to me.

7 Q. My question was going to be,  
8 why wouldn't you move him?

9 A. She was moving because of  
10 her grade. She was not moving because of  
11 a report.

12 Q. Was there any --

13 A. The move --

14 Q. Sorry.

15 A. The move was initiated by  
16 the teacher because of her performance in  
17 the class. So, following that, she  
18 reported the fact that this had happened.  
19 But the reason a student was moving had  
20 nothing to do with this, because we were  
21 not aware of this.

22 Q. But once you became aware --

23 A. Mm-hmm.

24 Q. -- in that [REDACTED] was

1 failing, this had within going on, as  
 2 reported by [REDACTED] did the district do  
 3 anything to try and see if she could stay  
 4 in that class or to move [REDACTED] out of  
 5 the class instead to resolve the issue  
 6 that way?

7 A. I think an obvious omission  
 8 here is that when you are speaking of,  
 9 like, this hypothetical situation, mom  
 10 was insisting and refusing her daughter  
 11 was never coming in again. So, if mom's  
 12 saying, my child -- she is not stepping  
 13 foot in that building, why -- yeah, that  
 14 doesn't make sense to me. Certainly,  
 15 would we have entertained, but [REDACTED] was  
 16 coming out of the class, anyway, that's,  
 17 that's important. She had a 44 percent,  
 18 right; trying to help her be unsuccessful  
 19 and put her in a classroom that has more  
 20 supports, like a co-talk class. Yeah,  
 21 so, again, at that point she wasn't  
 22 returning. When this meeting is  
 23 happening, she's not returning, this is  
 24 December 11th.



1           Q.     At the top of Page 4, it  
2     says, Todd shared the police would not  
3     show us anything about the investigation  
4     when mom asked if we had details.

5           A.     Yes.

6           Q.     Did you or somebody else  
7     from the district reach out to the police  
8     to try and find any details about --

9           A.     I certainly did not, and I  
10    can't answer on behalf of Mr. Nicholson.  
11    But my experience has been that they are  
12    not going to tell us the details of their  
13    investigation other than whether or  
14    not -- other than publically accessible  
15    information, like, were there charges. I  
16    believe what we -- and you would have to  
17    ask Mr. Nicholson, who, right now,  
18    unfortunately, is in terrible condition,  
19    but I think they probably said, we've  
20    concluded our investigation, and no  
21    charges are being brought. And that's  
22    the extent of it.

23          Q.     As part of your being a  
24    corporate representative of the district

1 today, what did you -- did you do an  
2 investigation or find out information  
3 about the investigation into what  
4 happened at Gwynedd Square?

5 A. I had -- no. So, if the  
6 investigation of what happened at Gwynedd  
7 Square means interview people, no. The  
8 only thing I did was what I just  
9 mentioned, was ask the assistant  
10 principal what happened in middle school,  
11 because I didn't have anything on that.  
12 Everything else here -- I have never in  
13 my life spoken to Holly or Ruth. I --  
14 yeah, so other than reading these  
15 documents, speaking with Dr. Dietrich, as  
16 I answered at the top of the hour, and,  
17 of course, counsel, no, I have not done  
18 an investigation on this.

19 Q. When you talked with Dr.  
20 Dietrich in preparation for your  
21 deposition today -- excuse me -- what  
22 did -- can you summarize for me the  
23 conversation that you had with him?

24 A. I think you're going to be

1 severely disappointed. My conversation  
2 with Dr. Dietrich in preparation for  
3 today was asking, which teacher is the  
4 regular ed teacher and which one is  
5 special ed, Ruth or Holly. That was my  
6 question for him. That was all I  
7 discussed with him in preparation for  
8 today.

9 Q. Okay. And so other than  
10 that one question that you asked Dr.  
11 Dietrich, you reviewed those documents  
12 that were produced by the district --

13 A. I did.

14 Q. -- in preparation for today?

15 A. Yes. In detail and -- yeah,  
16 that -- and, of course, went back in my  
17 understanding of what happened back in  
18 December of 2018, because that's the part  
19 that I was involved in.

20 Q. Meaning, in your own mind,  
21 or you read through that report from  
22 Pages 1 through 4 that we just went over?

23 A. Both.

24 Q. Is there anything that we

1 didn't go over that's not contained  
2 within this four-page summary that you  
3 recall about that meeting that you  
4 haven't already told us?

5 A. No. I think I shared the  
6 message with you that it was positive,  
7 and I did expect to hear from Mrs.

8 [REDACTED] Ultimately there was an IEP  
9 meeting that took place, as referenced  
10 here, with Dr. Broxterman, but no. No, I  
11 shared everything.

12 Q. Okay. Do you know how the  
13 documents, as to the investigation that  
14 was done at Gwynedd Square, how those  
15 documents were compiled or where they  
16 came from?

17 A. I believe they came from  
18 human resources, aside from -- my guess  
19 is, aside from the discipline referral,  
20 it's possible that that came from Gwynedd  
21 Square itself.

22 Q. Okay. So in a file for  
23 human resources?

24 A. I would expect, yes. So

1 these interviews with the teachers, the  
2 summary from Dr. Santoro, the meeting  
3 with -- I think there was a conversation  
4 with Mr. Bowen, now Dr. Bowen, and Dr.  
5 Santoro and [REDACTED] parents, Dr.  
6 Dietrich meeting with Holly, all those  
7 documents, I think they were -- they came  
8 from HR.

9 Q. Okay. Do you know where in  
10 HR they were kept --

11 A. I don't.

12 Q. -- if it was electronic or  
13 in, like, a vault-type-thing like we  
14 talked about before?

15 A. I would expect the latter.  
16 I don't think they were electronic.

17 Q. Okay. Is there, like, a  
18 separate -- is there, like, a separate  
19 vault where HR documents are kept?

20 A. There's a separate area,  
21 sure. It's not as fun as the cartoon  
22 vault, but there is, like, a space in the  
23 human resources department where there  
24 are personnel folders.

1           Q.     Okay. From reading those  
2 documents, would you agree with me that  
3 there was at least three students in  
4 sixth grade that were inappropriately  
5 touched by [REDACTED]

6           A.     I believe that that behavior  
7 in sixth grade is inappropriate in  
8 school, yes.

9           Q.     What about in, in fifth  
10 grade, that there was an incident where  
11 [REDACTED] inappropriate -- when I say  
12 inappropriate, sexually touched, another  
13 female student in fifth grade?

14           MS. JORDAN: Note my  
15 objection to the form of the question.  
16 You can answer.

17           THE WITNESS: I don't recall  
18 the fifth grade student. I'd have to  
19 be reminded of the incident.

20 BY MS. LAUGHLIN:

21           Q.     I didn't realize I'm still  
22 sharing my screen. So that makes it  
23 easy, I can pull up the page. Let's see.  
24 And this is on Page 1018.

1           A.     Okay.

2           Q.     I may have had the wrong  
3 page. Give me one second.

4                   All right. Sorry, the page  
5 is 1022, for the record.

6           A.     I actually have it up.

7           Q.     Can you see that?

8           A.     I can.

9           Q.     Okay. The second to last  
10 bullet point here, it says, 3 p.m., Bill  
11 Bowen informed me that one of the  
12 students, blank, did admit to being  
13 touched front and back bottom by [REDACTED]  
14 in fifth grade. Do you see that?

15           A.     I do, yeah. So I guess I  
16 just -- due to the lack of specificity  
17 there, it says there would be follow-up,  
18 and I didn't read anything about  
19 follow-up. I do recall reading that, now  
20 that you've reminded me. I just don't  
21 know any details other than what you read  
22 right now.

23           Q.     Okay. So you were aware  
24 that -- or, I'm sorry -- would you agree

1 that at this point, on Page 1022, says  
2 that the building principal was aware  
3 that there was an incident of a student  
4 being touched by [REDACTED] in the fifth  
5 grade as well?

6 A. After, yes. At this point,  
7 when this is written, yes, of course I  
8 agree.

9 Q. Okay. Do you recall reading  
10 that there were incidences of students  
11 being touched in fourth grade as well by

12 [REDACTED]

13 A. I don't.

14 Q. I'm directing your attention  
15 to bates number 1021, the No. 2. It  
16 says, [REDACTED] indicated -- from [REDACTED] and  
17 that this touching has been going on  
18 since fourth grade. Do you see that?

19 A. I did, yes. I -- [REDACTED]  
20 mother said that, yes.

21 Q. In the meeting with you as  
22 well?

23 A. No. No.

24 Q. You said [REDACTED] mother



1 said that. How do you know that?

2 A. Because it says, Mrs.

3 [REDACTED] called me, and then there are  
4 notes from the phone conversation.

5 Q. Okay. And this -- sorry. I  
6 didn't mean to cut you off.

7 A. No, that's okay.

8 But this just -- it's  
9 nothing -- so I recall -- you're  
10 obviously going through each incident --  
11 I recall the three in sixth grade, and I  
12 recall the incident in middle school.  
13 Those are the ones that have detail to  
14 them. Now that you are reminding me that  
15 I said [REDACTED] mom said that he was  
16 doing that in fourth grade, I remember  
17 reading that.

18 Q. Okay. And these are notes  
19 from Betty Santoro, who was the director  
20 of elementary education; is that right?

21 A. She was.

22 Q. Okay. So, would you agree  
23 with me, from these notes from Betty  
24 Santoro, the director of elementary

1 education, she was aware of the  
2 allegation that students had been touched  
3 in fourth grade by [REDACTED]

4 A. I would be willing to state  
5 that [REDACTED] mom said that [REDACTED] did  
6 that in fourth grade, I'd be willing to  
7 say that.

8 Q. To Dr. Santoro?

9 A. That [REDACTED] mom said that  
10 to Dr. Santoro, yes.

11 Q. Okay.

12 A. It was reported not that the  
13 principal knew, yes.

14 Q. In your compiling of  
15 information and investigation -- or,  
16 documents on behalf of the district, was  
17 there any indication to you that a  
18 investigation into what happened or the  
19 allegation of [REDACTED] touching girls in  
20 fourth grade was investigated?

21 A. I did not come across that,  
22 no --

23 Q. What about --

24 A. -- that I recall.

1 Q. I apologize.

2 A. Go ahead.

3 Q. What about for the fifth  
4 grade incident, was there any indication  
5 to you that an investigation into what  
6 happened in fifth grade was investigated  
7 by the district?

8 A. I did not come across  
9 anything.

10 Q. In terms of the interviews  
11 of the children in sixth grade, do you  
12 know whether [REDACTED] was interviewed by  
13 the district at all?

14 A. Well it appears that  
15 there -- on several occasions Holly said  
16 that she asked him, and he said nothing,  
17 or maybe it was [REDACTED] said nothing,  
18 nothing happened; [REDACTED] didn't respond.

19 Q. You said that happened on  
20 several occasions. Are you referring --  
21 I mean, where did you see it happen on  
22 several occasions?

23 A. No. I said it was noted in  
24 several areas of these documents.

1 Holly's statement when Bill interviewed  
2 Holly, when Cheryl interviewed Holly,  
3 it's repeated multiple times in here.

4 Q. Okay. But the instance when  
5 Holly had talked to [REDACTED] and [REDACTED]  
6 are you referring, that's the time when  
7 she pulled them out in the hallway?

8 A. Yes. And then there's also,  
9 clearly, circumstances where the  
10 principal met with [REDACTED] whether or  
11 not -- I mean, I would assume [REDACTED] was  
12 in there, but I don't know that for a  
13 fact.

14 Q. For Title IX investigation,  
15 did you see any, like, actual written  
16 statements of, like, what the girls had  
17 said, if they were asked, in sixth grade?

18 A. I -- the only notes I saw  
19 were that people referred to Mission Kids  
20 or Child Line. In most cases, I think I  
21 read that they did not go, they did not  
22 want to seek criminal charges and parents  
23 were made aware. I think, a lot of  
24 times, when you're dealing with kids so

1 young, and I happen to have children this  
2 age, you would -- in such a serious  
3 circumstance, you would -- with the  
4 parents, right? And so there's  
5 substantial evidence here to suggest that  
6 the folks dealt with their parents.

7 Q. The folks, meaning the  
8 district?

9 A. Yes.

10 Q. Would you agree with me,  
11 then, that any, like, written statements  
12 of what was discussed with any of the  
13 children, from the district's doing so,  
14 is not documented in terms of, like,  
15 written statements, so-and-so said this,  
16 so-and-so said that?

17 A. I guess that's not true.  
18 There are certain -- instances in here  
19 where it says -- from the counselor, Mrs.  
20 Vassily (pht), for example, I spoke to  
21 her, and she said this. So there are  
22 some. So it's --

23 Q. But I guess I'm --

24 A. -- not --

1 Q. Sorry.

2 A. -- it's not clear that they  
3 did not, because they did.

4 Q. Well, so to clarify, I'm  
5 asking about separate statements of,  
6 like, what was asked. Not, like, a  
7 summary, the gist of what somebody told  
8 them. I'm asking, do you know -- does  
9 that exist, like, the actual -- what  
10 these kids word-for-word said or what was  
11 asked of them?

12 A. I don't believe that there  
13 is a, a record of the dialogue verbatim.

14 Q. The only, like, dialogue  
15 that you're referring to is in these  
16 notes that were produced by the district?

17 A. Yes.

18 Q. After this -- all of this  
19 information comes out and the principal,  
20 Dr. Santoro is aware of it, what was done  
21 to ensure that kids at the elementary  
22 school were going to be kept safe from

23

24 A. I think when you're in an

1 elementary classroom where there's, let's  
 2 say, 24 students, teachers being aware,  
 3 you, you read a report in here that the  
 4 staff on the playground kept an eye on  
 5 him, the teachers are now aware at this  
 6 point, the next year the two kids go to  
 7 different schools, there are no  
 8 infractions at the high school. So, I do  
 9 think it seems as though, after this was  
 10 brought to the attention of the principal  
 11 and then ultimately Dr. McCue, steps were  
 12 put in place to try to prevent this, I  
 13 do.

14 Q. Other than moving [REDACTED]  
 15 into another class and you said teachers  
 16 were keeping an eye on the playground, I  
 17 mean, what else was put in -- was  
 18 anything else put in place to ensure that  
 19 the new class [REDACTED] got put in, that he  
 20 didn't touch another student there?

21 A. I -- no. But you seem to be  
 22 suggesting that that's not enough. When  
 23 you're dealing with 11 year olds, quite  
 24 frankly, asking the adult in the room to

1 keep an eye on things and the teacher  
2 understand the history is significant.  
3 You know, they are 11 at that time. So,  
4 it seems as though, for the remainder of  
5 that year when, when [REDACTED] switched  
6 classrooms, that it didn't happen again.  
7 So I would argue that the steps they put  
8 in place did work from there on out for  
9 the remainder of the year.

10 Q. Do you know that the teacher  
11 in the room he was placed in did, in  
12 fact -- like, was, in fact, told --

13 A. I don't know.

14 Q. -- what the history was?

15 A. I don't know that. I don't  
16 know that she was or wasn't.

17 Q. Okay.

18 A. I would assume, a student  
19 comes into your classroom in the spring  
20 of sixth grade, I would assume that a  
21 conversation occurs.

22 Q. But you don't know that,  
23 right?

24 A. I don't, no. But it's been



1 my experience, after 17 years, that a  
2 conversation would occur.

3 Q. After these incidents in  
4 sixth grade, did the students get any  
5 instruction or training about, like,  
6 sexual harassment or harassment?

7 A. That's, that's a good  
8 question. I know that in sixth grade is  
9 when they actually have the  
10 conversations, fifth and sixth grade, I  
11 believe, in our curriculum, about -- and,  
12 and we have a curriculum called Second  
13 Step Now, where it's character education.  
14 I don't believe -- it's irresponsible of  
15 me to, to say that they have lessons on  
16 good touch/bad touch in the curriculum.  
17 Anything additional, aside from the  
18 regular curriculum, in fifth or sixth  
19 grade, I can't point to anything.

20 Q. So after this incident,  
21 would you agree with me that you're not  
22 aware of anything specifically that was,  
23 like, trained or, you know, an assembly  
24 or anything like that, based on what, you

1 know, several of these students had gone  
2 through in the sixth grade?

3 A. No. In a situation like  
4 this that is so sensitive, I would think  
5 it would be irresponsible to pull the  
6 whole grade together to talk to them.  
7 Rather, I would expect us to provide  
8 supports for the individual students and  
9 their families. And, I mean, you have  
10 notes here of the counselor meeting with  
11 the students, right? So, I would assume  
12 that that counselor -- I don't know if  
13 you've spoken to the counselor, but I  
14 would assume that that would be the best  
15 source. When such incidents happen, the  
16 counselor in the school, that's part of  
17 their job description.

18 Q. Do you know specifically  
19 what was done, if anything, to make the  
20 middle school aware of -- since [REDACTED]  
21 would be moving to the middle school  
22 after sixth grade -- of the incidents  
23 that occurred with [REDACTED] at the  
24 elementary school?

1           A.       I don't. I don't know  
2 whether there was or was not.

3           Q.       Would that have been  
4 something that the principal would have  
5 had to have communicated or whoever the  
6 meeting was between elementary and middle  
7 school, that's the why it would have been  
8 communicated to the next level?

9           A.       Yes.

10          Q.       Would any of the documents  
11 that we're referencing and we just went  
12 over with the sixth grade investigation,  
13 have gone in any of the student files,  
14 cumulative files?

15          A.       Any of the documents in the  
16 cumulative file, at some point, yeah. I  
17 think the discipline referral that you're  
18 seeing here, from Gwynedd Square, I would  
19 expect that to go into a student's file.

20          Q.       The one where Ms. Andrew had  
21 written up [REDACTED]

22          A.       Yes.

23          Q.       What about other than that,  
24 because there's been several documents

1 that, you know, are comprising of this  
 2 investigation in sixth grade. Would  
 3 anything else other than that paper, that  
 4 one page, be placed in the student's  
 5 file?

6 A. I don't believe that this  
 7 would be in a, a student's cumulative  
 8 file, no. I believe these documents -- I  
 9 mean, the bulk of the investigation here  
 10 is personnel, in nature. These documents  
 11 themselves, I think what would be  
 12 reflected in a students' would be, as we  
 13 discussed at length, in electronic  
 14 format, but just a list of the  
 15 infractions and consequences, not  
 16 interviews with staff members and things  
 17 like that, that wouldn't go in a  
 18 student's cume folder.

19 Q. And at this point, there was  
 20 no electronic way to house these  
 21 documents, right?

22 A. The next year, there was,  
 23 yes. But no, at that point, there was  
 24 not.

1           Q.     Okay.  Is there any other  
2     way, other than a principal having a  
3     conversation with the principal of the  
4     middle school in that transitional  
5     meeting, that this information that was  
6     learned in the sixth grade investigation  
7     would have been communicated to the next  
8     level?

9           A.     Not that I'm aware of.  I  
10    would, I would expect the conversations  
11    to take place.

12          Q.     Was there any -- never mind,  
13    strike that.

14                   What about in terms of the  
15    transition from [REDACTED] from middle school  
16    to high school, since there were two more  
17    incidences of sexual harassment according  
18    to his disciplinary file at the middle  
19    school now going to the high school, is  
20    there any kind of process in place that  
21    the high school checks or is aware of  
22    that type of misconduct before a student  
23    gets there?

24          A.     So, in this case, one, you

1 said two incidents. I'm aware of one  
2 that referenced two students.

3 Q. Okay.

4 A. But nothing other than what  
5 we've already talked about,  
6 conversations, and in this case, it's  
7 pretty clear that the administration at  
8 the high school knew about this, right?  
9 So it was communicated. That's not the  
10 issue, whether or not it was  
11 communicated.

12 Q. I guess the way you just  
13 answered the question, I wanted to ask a  
14 follow-up question, then.

15 When you say you have one  
16 incident involving two students --

17 A. Mm-hmm.

18 Q. -- in terms of the district  
19 classifying incidents, the one with the  
20 two separate students that [REDACTED] had  
21 touched individually in middle school, is  
22 that considered one incident, on behalf  
23 of the district?

24 A. I guess it depends whether

1   there's one infraction -- like, I don't  
 2   know the details of that incident. So,  
 3   did it happen in one sitting at the  
 4   cafeteria, I don't know. But if, if  
 5   there was an infraction on February 1st  
 6   and then an infraction on February 7th,  
 7   would there be two, of course. This was  
 8   written up in, in one incident. So, in  
 9   my understanding of what occurred is that  
 10   he touched two students' thighs in the  
 11   cafeteria. So, to my knowledge, it was  
 12   one incident, two victims. That's the  
 13   way it would be classified.

14           Q.     Do you know whether it  
 15   occurred, like, at the same time, where  
 16   he touched the two girls at exactly the  
 17   same time?

18           A.     I do not.

19           Q.     How would it be  
 20   distinguished, I guess, since you have  
 21   two victims, and I understand you said if  
 22   it was five days later, it would be two  
 23   separate incidences, but is there a way  
 24   for the district to distinguish, when

1   there's two different victims, whether  
2   there's more than one incident? Like, is  
3   there any, like, policy/procedure on  
4   that, on how to categorize how many  
5   incidents occurred in a situation like  
6   that?

7           A.     Yeah. I guess there are,  
8   there are two options, then. One, if you  
9   write them up separately, right, they're  
10   two separate incidents. So, let's say  
11   something happened in second period and  
12   something happened in third period, two  
13   different teaches write it up, they're  
14   two separate incidents. Another way  
15   would be, when you're writing it up, to  
16   assign two separate victims and put it in  
17   the narrative of the actual event.

18          Q.     Is there any --

19          A.     So --

20          Q.     Sorry.

21          A.     No. The question was, is  
22   there a process; the answer to that is  
23   yes, as described.

24          Q.     But in that scenario that



1     you just described for me, it would be up  
2     to the principal to decide whether to  
3     categorize it as a single incident versus  
4     two separate incidences, right, based on  
5     how they input it into the system?

6             A.     Yeah. In that situation, in  
7     particular, because it was in the  
8     cafeteria, there's not a teacher, so I  
9     assume that the principal's the one who  
10    took the report. So yes, it would be up  
11    to the principal at that point, or the  
12    assistant principal in this case.

13            Q.     Like, whoever's documenting  
14    what -- like, the report in some way?

15            A.     Yeah. I mean, there are  
16    instances where the principal will make  
17    changes to the conduct referral. She  
18    writes it up, and let's say they say  
19    that, you know, they select a erroneous  
20    category or classification, it's the  
21    responsibility of the administrator to  
22    make a change.

23            Q.     The conduct that occurred,  
24    the incidences that occurred in sixth

1 grade that we just went over with [REDACTED]  
2 [REDACTED] how many instances would that be  
3 categorized on behalf of the district?

4 A. I think the three where we  
5 have an identified victim and parents  
6 were spoken to would be three separate  
7 incidents.

8 Q. Okay. So that's how you  
9 would expect that to be documented?

10 A. I would, today, yes.

11 Q. Is it different back then?

12 A. I don't know. I'm not sure.

13 Q. Well I guess, in terms of  
14 the district, did it change the way that  
15 it was documented? Because you  
16 specifically said today --

17 A. Yeah.

18 Q. -- that's what you would  
19 expect.

20 A. Yeah. I think it's well  
21 documented in this deposition here, that  
22 the process has changed on how we  
23 document; it's electronic now. So, yes,  
24 you can assign -- you know, in 2014 and

1 '15, things were handwritten and there's  
2 a report, right, or a conduct referral  
3 or -- now, you're actually selecting  
4 students and assigning, they're linked.  
5 So it is different.

6 Q. Was there a way back then  
7 for three different incidents to be  
8 documented to say that they were three  
9 separate incidents that occurred?

10 A. I would assume so, yes.

11 Q. Even if it was, like, not  
12 the same, you know, whatever the SIS that  
13 you have now, there was still a method to  
14 separate them?

15 A. There would have to be,  
16 right? So, when they validate the data  
17 with the police, as discussed, there  
18 would have to be a way to delineate how  
19 many incidents, no matter what the  
20 infraction is.

21 Q. Could you agree with me that  
22 back then as well, you would expect it  
23 would have been delineated as three  
24 incidents?

1           A.     I do.

2           Q.     When you had private  
3 conversation with the middle school  
4 incident at Penndale asking what had  
5 happened, did you ask whether there was  
6 any documents of what had happened, like,  
7 an investigation-type document?

8           A.     I did.

9           Q.     And what was the outcome of  
10 that?

11          A.     Keeping in mind it was,  
12 what, five years ago, I asked the  
13 assistant principal, do you have  
14 anything, all I can see in the discipline  
15 is that a student was suspended,  
16 inappropriate contact -- or, I don't  
17 remember exactly how it was coded, I can  
18 look. But he said, if I do, it would be  
19 in my notes. I asked him to check back  
20 at the middle school, and there was  
21 nothing. So, I don't believe there was  
22 any additional documentation.

23          Q.     Based on our conversations  
24 earlier of the expectation of the

1 district, something like this, would you  
2 you have expected that to be reported to  
3 the Title IX coordinator?

4 A. I would now, yes. I would  
5 then too, I would expect it, but that's  
6 not to say it was.

7 Q. Okay. Like, the fact that  
8 the principal -- or, the assistant  
9 principal -- was it the assistant  
10 principal you spoke to?

11 A. Yes.

12 Q. The fact that the assistant  
13 principal told you, let me check my notes  
14 and see if something exists, that's not  
15 the way things should be done in the  
16 district, correct?

17 A. No, that's not correct.  
18 Because we've discussed that typically  
19 there would be a preliminary  
20 investigation of some sort. So I would  
21 expect that you would have notes for  
22 that. Yeah, so that's not accurate.

23 Q. But he did not have notes,  
24 correct?

1           A.       I guess I -- it's fair to  
2     say, it was five years ago, so if he had  
3     his own notes, he no longer has them or  
4     didn't procure them. So, I don't believe  
5     he reported it to the Title IX  
6     coordinator. So, Cheryl would not have  
7     notes either.

8           Q.       Did you ask if, in fact,  
9     there were notes from back then?

10          A.       I told you that I asked him  
11     if he had any notes, and he said -- if he  
12     had any additional information, he said  
13     they would be in my notes, and he looked  
14     and didn't have any.

15          Q.       But, I mean, were there --  
16     like, did he delete the notes? Were  
17     there no notes period at any time  
18     created?

19          A.       Yeah. I don't believe he  
20     was able to tell me that. It was five  
21     years ago, and I don't think he knew.  
22     But he, he recalled that it was, as, as I  
23     explained, "yeah, I believe he touched  
24     two girls on the thigh in the cafeteria",

1 and I asked him in he had any more  
2 detail, and he said let me check, and he  
3 did not; that was it.

4 Q. Would you agree with me that  
5 the fact that he couldn't find -- let me  
6 check my notes, and he couldn't find them  
7 because it was five years ago, your  
8 testimony, is that the way that the  
9 district would expect notes like that to  
10 be handled?

11 MS. JORDAN: Note my  
12 objection to the form of the question.  
13 You can answer.

14 THE WITNESS: I don't --  
15 your -- the nature of the question  
16 suggests that he mishandled his notes.  
17 I don't know that there are notes.  
18 So, I can't really -- you're asking,  
19 would I agree that he fell short of my  
20 expectations of how he would handle  
21 his notes. I don't know that he had  
22 notes. He didn't have anything. So,  
23 I don't know.

24 BY MS. LAUGHLIN:

1           Q.       Would you expect that there  
2 would be a place that he would check,  
3 like, keep the notes that he would know  
4 to go to to see whether notes existed?

5           A.       Yeah.

6           MS. JORDAN: Note my  
7 objection to the form of the question.  
8 You can answer.

9           THE WITNESS: I do. And I  
10 believe he went to the place where he  
11 would look for them, and that's why he  
12 told me he didn't have any. I don't  
13 know that he disposed of them or  
14 shredded them or anything like that.  
15 I know that he looked to see if there  
16 were notes, and there were none. As  
17 we've -- the record says many times,  
18 nowadays this would be electronic, and  
19 this would not be an issue.

20 BY MS. LAUGHLIN:

21           Q.       Do you know -- did you ask  
22 him -- do you know how long he keeps the  
23 notes?

24           A.       I didn't ask him that.



1           Q.     Is there an expectation of  
2     the district or process or policy in  
3     place as to how long notes like that  
4     should be kept?

5           A.     I think most people will  
6     tell you that the rule of thumb is three  
7     years.

8           Q.     Three years?

9           A.     Yes.   In your own personal  
10    notes.   I keep mine for three years.  
11    I've heard that as a rule of thumb, right  
12    or wrong.   But again, if it's put into  
13    our information system, they're forever.

14          Q.     When you say, you know, your  
15    own person notes, I mean, notes if they  
16    existed for this would have been details  
17    about incidences of [REDACTED]  
18    inappropriately touching, would you  
19    characterize that as somebody's own  
20    personal notes?

21          A.     I just -- it depends where  
22    an investigation goes to.   And these  
23    questions are all based upon the fact  
24    that he had notes; I don't know that he

1 did. So if I was asking you questions  
2 because there was an incident that  
3 occurred in the cafeteria, would I write  
4 things down on my tablet that I'm  
5 holding, I would, and I would consider  
6 those my notes. That's what I mean by  
7 personal notes. Not in the system or  
8 something that I am officially  
9 submitting. So, that's what I mean by  
10 personal notes, when I'm -- taking notes  
11 if I'm talking to someone, not a full  
12 formal statement where a student writes  
13 something down verbatim question and  
14 answer-type of thing.

15 Q. The personal notes we're  
16 talking about, if they exist here, would  
17 be about student's alleging -- or,  
18 engaging in sexual misconduct; is that  
19 right?

20 A. If, if, if there were notes  
21 and if he determined that the misconduct  
22 was sexual in nature, then the answer to  
23 your question is yes. I don't know --

24 Q. What about --

1           A.     I don't know that he had  
2 notes.

3           Q.     What about in terms of  
4 harassment? Because, I mean, you  
5 reviewed [REDACTED] file in advance of your  
6 deposition today, right, the  
7 disciplinary -- the three things that are  
8 listed?

9           A.     Yeah. I have seen his  
10 discipline, yes.

11          Q.     And the second thing was  
12 listed as harassment. Do you recall  
13 seeing that?

14          A.     I think I do.

15          Q.     So, the notes are involving  
16 harassment by [REDACTED] Even if they're  
17 personal notes, like you had termed them,  
18 on behalf of the district, do you think  
19 it's appropriate to discard them after  
20 three years?

21          A.     No. I would expect them to  
22 be electronic, and I would expect there  
23 to be detail in our information system.

24          Q.     Was there a process at that

1 time to make them electronic?

2 A. What was the date of the  
3 incident that you're referencing?

4 Q. January 6th, 2016.

5 A. So that's the year in  
6 question; I would think so. I would  
7 think, if he had notes, he could type  
8 them in in the detail. You know, the  
9 unfortunate circumstance here is that the  
10 timeframe we're talking about here is  
11 when we transitioned from not only paper  
12 and pencil to electronic but then one  
13 electronic system to another. That's  
14 unfortunate in gathering some of the  
15 details here. But based upon the fact  
16 that there's -- and something input in  
17 eSchool at the time, in 2016, I assume,  
18 if he had notes, they'd be in there.  
19 That's my assumption.

20 Q. As part of your gathering of  
21 documents and things of that sort, would  
22 you agree there was no broader  
23 investigation, meaning, like, statements,  
24 a final report, things like that into the

1 incidents with [REDACTED] in middle school?

2 A. I agree with that.

3 MS. JORDAN: Note my  
4 objection to the form of the question.

5 THE WITNESS: I agree.

6 BY MS. LAUGHLIN:

7 Q. Did you have the opportunity  
8 to talk to anybody about the details of  
9 the tenth grade incidents, other than  
10 what we've already talked about, like  
11 Pete Nicholson, anybody, to understand  
12 anything that may have gone on that isn't  
13 in the documents that district provided?

14 A. Did I talk to anyone about  
15 anything that we haven't discussed other  
16 than what's referenced in the documents;  
17 no, not that I recall.

18 Q. I'm going to show you a  
19 document that's bates number Doe 668, for  
20 the record, and I believe the same letter  
21 was enclosed in the district's production  
22 as well.

23 Have you seen this letter  
24 before?

1           A.     I have.

2           Q.     This letter was put in  
3     [REDACTED] -- is it cumulative file, is  
4     that where this letter was placed?

5           A.     I believe so, yes.

6           Q.     And this is a letter saying,  
7     you know, advising anyone who would open  
8     up, I guess, the cumulative file, that  
9     [REDACTED] and [REDACTED] should be kept  
10    separate?

11          A.     Yes. I mean, that's what I  
12    read here, yes.

13          Q.     Was there an ability for the  
14    district to put something like this  
15    letter in [REDACTED] file back in Gwynedd  
16    Square?

17          A.     Sure. There was an ability  
18    to put a letter in a student's file when  
19    she was in Gwynedd Square.

20          Q.     And would that have been  
21    something, if it was put into a student's  
22    cumulative file, that would have passed  
23    through with the student as they went to  
24    different schools in the district?

1           A.     I expect that it would, yes.

2           Q.     In [REDACTED] file, could a  
3 letter like this, at Gwynedd Square, been  
4 placed in his file back at Gwynedd  
5 Square?

6           A.     Yes. I believe it's  
7 possible to put letters in any file.

8           Q.     And if it had, would that  
9 have been something that would have  
10 carried with [REDACTED] as he went to the  
11 middle school and high school?

12          A.     Yes.

13          Q.     Is there any other type of  
14 documentation or papering of either  
15 [REDACTED] or [REDACTED] file that could have  
16 notified administration along the way of  
17 what had happened at Gwynedd Square?

18          A.     No. I think we've outlined  
19 them pretty well, some of the options.  
20 But again, I, I think this, frankly, is  
21 irrelevant to this situation because the  
22 administration at the high school knew.  
23 People knew. They knew. I agree that  
24 putting a letter in the file could have

1 happened and that could have been  
2 helpful. But they knew.

3 Q. Even at this point, in 2018,  
4 from the documents received from the  
5 district, a note was not placed in  
6 [REDACTED] file like this; is that correct?

7 A. Not to my knowledge.

8 Q. Do you know why a note  
9 wasn't placed in his file?

10 A. I don't. I mean, we --  
11 yeah, I do not.

12 Q. Do you think it was  
13 important to have [REDACTED] file also  
14 documented at this point?

15 A. I think that's an easier  
16 question to answer in hindsight. Sure, I  
17 mean, I don't know that it would have  
18 hurt to have this in his file, and it  
19 could have been helpful, yes.

20 Q. And for someone to be aware  
21 that this letter is in here, would you  
22 have to pull the cumulative file of that  
23 student?

24 A. You would.



1           Q.       Was there some other method,  
2     like, in either of the two SIS's that we  
3     talked about for this information to be  
4     found on, like, an electronic system?

5           A.       No.     That's really the only  
6     way, the alert.   The aforementioned alert  
7     in the electronic system.   The likelihood  
8     of a teacher pulling a student's cume  
9     file is low.   It's low.   Then opening the  
10    student in the information system and  
11    seeing an alert is very high, so.

12          Q.       The alert was for  
13    scheduling, right, like schedule?

14          A.       Yeah.   But it popped up as  
15    soon as you pull [REDACTED] up.

16          Q.       Even without being in her  
17    course and stuff like that?

18          A.       Yes.   As soon as you clicked  
19    on her name, there was a pop up window.

20          Q.       Does the district have a  
21    responsibility to investigate incidents,  
22    sexual misconduct allegations, between  
23    students that occur off school grounds?

24          A.       Hmm.   Assuming that the

1   altercation -- all right -- so, Act 126,  
 2   I believe, says that if you believe that  
 3   there is some kind of abuse, sexual  
 4   abuse, you are mandated to report it to  
 5   a -- so I believe we have a  
 6   responsibility to report, if we get word  
 7   that something happened at a party on  
 8   Saturday night, for example. In terms of  
 9   investigating something that happened off  
 10   school grounds, quite frankly, if it was  
 11   something egregious, I would expect that  
 12   we reported it immediately, and the  
 13   police would take over. There is a  
 14   very -- the water is muddied on the  
 15   authority of the school, things that  
 16   happen off school ground. Was it a  
 17   student activity, that's a different  
 18   story. Was it a trip, was it an athletic  
 19   event, those types of things, different  
 20   story. But if it's something that  
 21   happens off school ground, out of school  
 22   hours, completely out of the context of  
 23   school, I -- we have a duty to report,  
 24   not investigate.

1           Q.     I'm going to show you a  
2 document, one second, a North Penn  
3 document, it's Page 689.

4                     Do you know whose signature  
5 it is, the second from the bottom?

6           A.     I can figure it out.

7                     My suspicion is that that is  
8 Jim Galante.

9           Q.     And Jim Galante was, who, in  
10 the 2015 timeframe?

11           A.     The principal, the principal  
12 of Pennbrook Middle School.

13           Q.     Okay. And this last  
14 signature here, do you know whose that  
15 is?

16           A.     Sean O'Sullivan.

17           Q.     Who's that?

18           A.     He was the principal of  
19 Penndale Middle School.

20           Q.     Have you seen -- are you  
21 able to see this entire screen --

22           A.     I can.

23           Q.     -- on your screen?

24           A.     I can.

1           Q.     The 'A' that's referenced  
2 here, do you know what that means or that  
3 stands for?

4           A.     Oh, gosh. Allergy.

5           Q.     Oh, an allergy?

6           A.     I think so.

7           Q.     Okay.

8           A.     This screen, I believe  
9 you're seeing here, is from eSchool --  
10 well, no, I guess not. Hold on a second.  
11 If you don't mind, I can look.

12          A.     Sure.

13          Q.     I can probably pull this  
14 screen up.

15          Q.     That's great. And just for  
16 the record, this is -- I'm looking at  
17 Page 4 of 4 of one of the attachments or  
18 productions of [REDACTED] file.

19          A.     Oh no, it's not,  
20 interesting.

21          Q.     So right now on your screen,  
22 you're pulling up what [REDACTED] file  
23 looked like in the most recent?

24          A.     In our system information

1 system, and it's not. It's not the same  
2 picture, it's not -- I wonder if that's  
3 from his junior year. Let me see.

4 Q. It says grade 11 here.

5 A. There ya go. That's why the  
6 picture's different. Okay.

7 Q. You say -- are you able to,  
8 I mean, are you able to share your screen  
9 with me of what you're looking at now?

10 A. I can.

11 Q. Because you're saying this  
12 is [REDACTED] file in the most recent  
13 application or SIS?

14 A. I can, I can share. I don't  
15 know if I -- I'm allowed to ask counsel  
16 if I'm allowed to share my screen, of  
17 what we see in Infinite Campus, but I'm  
18 certainly capable of sharing.

19 MS. LAUGHLIN: Was there any  
20 objection?

21 MS. JORDAN: I have no  
22 objection.

23 MS. LAUGHLIN: Okay.

24 THE WITNESS: Well Zoom

1       does, because it says you cannot share  
2       your screen, so.

3                   MS. LAUGHLIN:   Okay.

4                   MS. JORDAN:   We probably  
5       need to be given rights by somebody.

6                   MS. LAUGHLIN:   Oh.   Oh,  
7       that's -- okay.

8   BY MS. LAUGHLIN:

9               Q.       Well, regardless, let me ask  
10      you, on the screen, are you able to  
11      click --

12                   THE COURT REPORTER:   Excuse  
13      me --

14                   MS. LAUGHLIN:   Oh, sorry.

15                   THE COURT REPORTER:   --  
16      Laura, it says -- oh, it says one  
17      person can share at a time, but I can  
18      make it -- okay.

19                   MS. LAUGHLIN:   There ya go.

20                   THE COURT REPORTER:   Try  
21      now, Todd.

22   BY MS. LAUGHLIN:

23               Q.       Dr. Bauer, you should be  
24      able to share it now.

1           A.     I'm trying, hold on.

2                   What is going on? Hold on.

3                   I swear I'm close.

4                   This is what I see.

5                   Can you see this?

6           Q.     Yes.

7                   I see, this is Infinite

8 Campus?

9           A.     Correct. And it's a student  
10 who graduated. So he's inactive. That's  
11 why he's red.

12           Q.     Are you able to scroll down  
13 where it says person information?

14                   Okay. And is there a --  
15 similarly how we were just looking on the  
16 last screen, where there was, like,  
17 discipline, a discipline screen, is there  
18 that on this?

19           A.     Let me see on an active  
20 student. I'm gonna stop sharing for a  
21 second --

22           Q.     Okay.

23           A.     -- just because I don't want  
24 to share a student's information.

1 Q. Okay.

2 A. I don't believe I can pull  
3 [REDACTED] up now.

4 Q. Because he's graduated?

5 A. Yeah. Hold on, let me think  
6 of a current student.

7 Yeah. So I am only  
8 seeing -- I don't see any discipline for  
9 him because he's graduated.

10 Q. So you can't get access to  
11 that tab or something?

12 A. Yeah, I'm not sure. I  
13 guess, because you can see the records,  
14 like, the current year, and then it  
15 would -- but he's inactive, because he's  
16 a graduate. So I'm not sure how I  
17 could -- hold on -- oh wait.

18 Yeah. I'm not having any  
19 luck, sorry.

20 Q. Okay.

21 A. If he was a current student,  
22 I could.

23 Q. Is there a way, do you know,  
24 that you can go to, like, the tech people



1 in the district and figure out if that's  
2 accessible still, what the discipline  
3 folder would say?

4 A. What's actually written for  
5 a particular incident?

6 Q. Or for this particular  
7 student, because you said that the screen  
8 I showed you was from the last SIS.

9 A. Yeah. Could you pull it up,  
10 again?

11 Q. Sure.

12 A. Grade 11. Is there, at the  
13 bottom of that page --

14 Q. Oh, eSchool? Okay.

15 A. Yeah.

16 Q. So this is from eSchool?

17 A. Right.

18 Could you scroll up, again?

19 Q. Yes.

20 A. And that was just --

21 Q. I'm sorry.

22 A. That was just printed this  
23 summer, that's what it says. So -- oh,  
24 okay. That makes sense. So I was

1 confused -- got it. So this behavior  
2 incident, the cutting class, and then the  
3 harassment were all before we switched.  
4 Because this was -- he graduated in 2021.  
5 So this is his sophomore -- those  
6 incidents, I guess, were from his  
7 sophomore year. Yeah, that makes sense.  
8 May of his sophomore year, the cutting  
9 close.

10 Okay. All right. I was  
11 wondering why that would be in eSchool,  
12 when we switched during his junior year,  
13 but this was printed -- this report was  
14 generated the summer of his sophomore  
15 year. We had not switched to Infinite  
16 Campus yet.

17 Q. Okay.

18 A. I don't think so.

19 Q. Okay. So then, I would just  
20 ask to see if you're able to get access  
21 to -- I mean, I don't know if this  
22 information we're seeing right here on  
23 the screen, on Page 4 of 4 of his file,  
24 was transferred into the next app.

1           A.     I, I think I tried to pull  
2     that, hold on.

3           Q.     I thought you were saying,  
4     because he graduates, you can't?

5           A.     Yeah, I know. But I think I  
6     tried to pull it out of eSchool.

7           Q.     Are you going into eSchool  
8     now?

9           A.     No. I thought I asked to  
10    see it, maybe not. I don't think there  
11    was as much detail, though. But I will  
12    try. I'll let you know if I can.

13          Q.     In eSchool, these incidents  
14    that are listed on the left, are you able  
15    to click on these and get more detail?

16          A.     You could, yes.

17          Q.     So is there -- would you  
18    expect, because there's, you know, the  
19    way it looks here, that there is more  
20    information behind each of these?

21          A.     There could be.

22          Q.     Okay. I would also ask for  
23    you to go -- if you still have access to  
24    eSchool -- the summer, to go in and click

1 each of these things that might be  
2 available and pull whatever documentation  
3 exists behind this screen, okay?

4 A. I have it.

5 Q. Oh, you have that now?

6 A. Yes. And I believe I've  
7 shared this, but I need you to stop  
8 sharing.

9 What are you seeing? Are  
10 you seeing my kids?

11 Q. I'm not seeing anything yet.

12 A. You don't see anything?

13 THE COURT REPORTER: It's  
14 just black.

15 MS. JORDAN: It says that  
16 you've started to share your screen.

17 THE COURT REPORTER: There  
18 ya go.

19 THE WITNESS: Okay.

20 BY MS. LAUGHLIN:

21 Q. What about for the other two  
22 that were listed?

23 A. Those, I did not pull. But  
24 I can.

1 Q. Oh, okay.

2 A. This was shared, that  
3 incident in particular you reported to.

4 Q. I understand. You can, you  
5 can stop sharing.

6 A. Okay.

7 Q. Okay. I'm pulling back up  
8 that same document we were working from  
9 or talking about.

10 This incident at Gwynedd  
11 Square that's listed as one incident  
12 here, do you agree that this should  
13 have -- according to the district and the  
14 way that things are expected to be done  
15 within the district, that this should  
16 have been listed as three separate  
17 incidents?

18 A. I agree with that.

19 MS. JORDAN: Note my  
20 objection to the form of the question.

21 BY MS. LAUGHLIN:

22 Q. Sorry. You said you do  
23 agree with that?

24 A. I do.

1 Q. Are you aware --

2 A. Hold on.

3 Q. Sorry.

4 A. Yeah, I'm sorry. Real  
5 quick.

6 Unless all of the detail is  
7 in the report, but I'll see if I can pull  
8 that.

9 Q. Okay. But based on what  
10 we're showing here, you would agree  
11 that -- would you agree that this  
12 appears, if someone pulled this up and  
13 looked at it, that it was just one  
14 incident that occurred?

15 A. I agree with that.

16 Q. The part where it says  
17 obscene language and gesture, do you see  
18 that?

19 A. I do.

20 Q. Is that a correct  
21 categorization of what had occurred at  
22 Gwynedd Square in sixth grade?

23 A. I would not agree with that.

24 Q. What should it be

1 categorized, on behalf of the district,  
2 of what you would expect the incident we  
3 went over be categorized as?

4 A. I'd have to see the list of  
5 options. If nothing else, inappropriate  
6 contact or the 338 that you're seeing  
7 right above there. And again, the  
8 convention has changed, the coding. But  
9 I don't believe that what is described in  
10 the report is obscene language or  
11 gesture. I would say that would be  
12 giving someone the middle finger,  
13 something like that.

14 Q. Okay. So somebody that  
15 would -- you would agree, somebody that  
16 would view this would -- from seeing  
17 obscene language or gesture, that it was  
18 somebody would have expected them to  
19 think, that it was somebody giving the  
20 middle finger?

21 A. I would expect something of  
22 that nature. However, if you're pulling  
23 up a student's discipline to look at it  
24 for -- obviously, for a purpose, I would

1 expect them to click on the link and see  
2 what happened, right? So, I'm hopeful  
3 that there's a little bit more detail in  
4 there, but I'll see if I can find out.

5 Q. Okay. For this incident  
6 being as one day of ISS, do you know  
7 whether that was appropriate on behalf of  
8 the district?

9 A. Well my understanding from  
10 reading the documents, he has an OSS and  
11 an ISS. So, it look's like it was coded  
12 the consequence was partially correct,  
13 not entirely.

14 Q. Because there's the OSS  
15 missing from this report?

16 A. Yes.

17 Q. Would you agree with me that  
18 it's important to document, in a file  
19 like that that we just went over,  
20 accurately?

21 A. I do think it's important to  
22 be accurate, yes.

23 Q. Is part of the reason so  
24 that whoever's getting that information



1 would have an accurate understanding of  
2 what the history is?

3 A. Yes.

4 Q. Is there any kind of  
5 training that principals undergo in the  
6 district as to how to characterize  
7 misconduct like that?

8 A. I think you asked this  
9 question in a different form earlier, and  
10 I, I said that Dr. Santoro reviewed --  
11 from elementary when she receives the  
12 suspension letters. I receive them for  
13 secondary, I have a spreadsheet and a  
14 list, and if something was inaccurate, I  
15 would provide guidance to the  
16 individuals, to the principal.

17 Q. Would you agree with me,  
18 then -- principals on how to document  
19 that?

20 A. I would agree with that. In  
21 terms of how to code something, I would  
22 agree with that.

23 Q. You said that suspension  
24 letters would be given. Here on the

1 document for the screen we just looked at  
2 a moment ago, suspension -- since [REDACTED]  
3 did receive at least an ISS, one-day  
4 in-school suspension, would you have  
5 expected that there would have been a  
6 suspension letter that went along with  
7 that?

8 A. I would.

9 Q. Where would that be kept,  
10 the suspension letter?

11 A. In a student's file.

12 Q. In the cumulative file?

13 A. Yes.

14 Q. Is that something that would  
15 carry through, like, not be purged when a  
16 student moves up to the next year?

17 A. That would be my  
18 expectation, yes.

19 Q. Okay. Do you know whether  
20 [REDACTED] entire cumulative file was  
21 provided in this case?

22 A. I have no reason to believe  
23 that anything was not provided. Again,  
24 unfortunately, there are things that are

1     purged from middle to high school. But  
2     I -- you did ask me, as part of my  
3     homework here, to get his file, and I  
4     will get it. I'm headed to the high  
5     school after this.

6             Q.     Okay.

7             A.     So I will look. But I have  
8     no reason to believe that his file was  
9     not provided.

10            Q.     Okay. I'm going to share my  
11     screen again, just -- and I'm going to  
12     mark this as Exhibit-B.

13            A.     This looks like his file.

14            Q.     Okay. And this is a  
15     four-page document. I'm just gonna  
16     scroll through so you can see the four  
17     pages.

18                    Sorry, are you able to see  
19     that?

20            A.     I think -- if you can scroll  
21     up a little bit. It looks like a report  
22     card. Okay, yeah.

23            Q.     Okay. And then, this page,  
24     one-page document, I'll mark as

1 Exhibit-C.

2                   These Exhibits-B and C were  
3 provided to me that this was [REDACTED]  
4 entire file. Does this appear to you,  
5 being familiar with cumulative files of  
6 student's, that the five pages would be  
7 what is included in [REDACTED] file?

8           A.       For a student that has zero  
9 discipline incidents in high school, I  
10 would expect to see his transcript, his  
11 most recent report card and a list of his  
12 discipline, and I see all of that is  
13 provided. So, yeah, this would represent  
14 his -- a high school senior cumulative.

15           Q.       What about in terms of,  
16 since we know from Page 4 of Exhibit-B,  
17 that he was suspended two separate times  
18 where a suspension letter would have been  
19 issued, according to you from the  
20 district policies and expectations, do  
21 you know why there's no suspension  
22 letters for the second or third incident  
23 here listed on Page 4?

24           A.       The second one, I believe I

1 provided last week. It was actually as a  
2 part of investigating -- or, whenever I  
3 provided it -- talking to Mr. Bashaw,  
4 provided a letter.

5 Q. Are you talking about  
6 this --

7 A. No.

8 Q. -- Exhibit-C?

9 A. No.

10 Q. Okay. I haven't been  
11 provided a letter. Are you saying you  
12 provided a letter to your counsel that  
13 you received from Mr. Bashaw about the  
14 middle school incident?

15 A. I did.

16 Q. Is it just a suspension  
17 letter, or do you recall what that letter  
18 entails?

19 A. I can show it to you.

20 Q. Okay. Let me stop sharing  
21 my screen, then.

22 A. Can you see it?

23 Q. Oh, yes, I do.

24 Where did this document come

1 from?

2 A. I -- exactly where it came  
3 from, I don't know. I called over to the  
4 middle school and asked if they had --  
5 like I said, asked if they had any notes  
6 from Mr. Bashaw, and they said, "all we  
7 have is a suspension letter". So where  
8 they retrieved this from, I don't know.  
9 But here is his suspension letter.

10 Q. Okay.

11 A. It doesn't provide anymore  
12 detail than what the report you have. I  
13 believe you classified it as Exhibit-C.

14 Q. Okay. I'm just gonna -- if  
15 there's an ability to send that to your  
16 counsel, and we can have this marked as  
17 Exhibit-D to the deposition.

18 Would you agree with me that  
19 this was not -- Exhibit-D was not in  
20 [REDACTED] cumulative file?

21 A. Yeah, that's correct. The  
22 same level of detail it was, it would be  
23 the infraction, what happened, but that,  
24 it's -- the letter itself was not.

1           Q.     Should it have been? Should  
2 those letters be kept in a student's  
3 cumulative file?

4           A.     I'm not certain. Quite  
5 frankly, the principal of the high school  
6 doesn't actually deal with a student's  
7 cumulative file all that much. My gut is  
8 that a suspension letter would be. But a  
9 transcript, a report card, behavior, if a  
10 suspension -- I earlier said that the  
11 suspension letter -- I thought the  
12 suspension letter should be in there. If  
13 I am incorrect, I apologize.

14           Q.     Since you talked to Wendy  
15 [REDACTED] back in December of 2018, in  
16 that meeting, since then, did you ever  
17 inquire as to how [REDACTED] was doing?

18           A.     Yeah. On multiple  
19 occasions, actually. I'd say half a  
20 dozen. I worked with her case manager --  
21 or, special supervisor, is right down the  
22 hall, Dr. Broxterman, on countless  
23 occasions -- not countless, but at least  
24 half a dozen. He and I interacted

1 regarding [REDACTED] and he actually seemed  
2 to suggest that she was quite happy at  
3 the virtual academy. So yes, that is a  
4 hundred percent true, I had checked in.

5 Q. Through Dr. Broxterman,  
6 right?

7 A. Yeah. He's the one who --

8 Q. What about --

9 A. -- meeting with the family  
10 and speaking with mom.

11 Q. What about directly with  
12 Mrs. [REDACTED] did you ever reach out  
13 to her to find out how [REDACTED] was doing?

14 A. No. I wouldn't typically,  
15 as assistant superintendant, call and  
16 check, as long as I'm apprised by the  
17 supervisor. And, quite frankly, perhaps  
18 it was presumptuous of me, I'm not so  
19 sure I thought that Mrs. [REDACTED]  
20 wanted to hear from me. So, I knew Neil  
21 had a good relationship with her, and I  
22 would check in with him.

23 Q. Neil Broxterman?

24 A. That's correct.



1           Q.     You were saying, like, when  
2     the meeting ended in December 2nd -- or,  
3     I'm saying -- in December of 2018 that  
4     Mrs. [REDACTED] really liked you and  
5     said all these really nice things. Why,  
6     why would it be presumptuous of you to  
7     think that she didn't want to speak to  
8     you after that?

9           A.     Because I was aware that we  
10    were served some papers after that. So,  
11    the facts changed, so my opinion did too.  
12    That day she seemed very happy with me,  
13    but she told me she would be back in  
14    touch, and she never was, directly.

15          Q.     In terms of the lawsuit in  
16    this case, is that what you're talking  
17    about, papers were served on you?

18          A.     Yes. Yes. So, at the point  
19    where she and I met, as I said, it ended  
20    with, "I'm not sure which route I'm going  
21    to go here, but I'll be in touch". And  
22    it was clear that she went a certain  
23    route, and she was never in touch with me  
24    directly. So, again, perhaps

1 presumptuous, but I assume she didn't  
2 want to hear from me.

3 Q. Do you know how long after  
4 you last met with Mrs. [REDACTED] before  
5 the lawsuit was filed in this case?

6 A. I don't.

7 Q. It was October of 2020,  
8 that's when the lawsuit was filed in this  
9 case.

10 Would you agree with me that  
11 from December of 2018, almost two years  
12 later, to 2020, you never reached out to  
13 Mrs. [REDACTED] to check and see how  
14 things were going?

15 A. Directly to Mrs.  
16 [REDACTED] I did not, no. As I said,  
17 she said she would be in touch; she was  
18 not.

19 Q. I think you had said that  
20 the difference was her feelings had  
21 changed because you got served with the  
22 papers, right?

23 A. I did, yeah.

24 Q. But that --

1           A.       She said she'd be in touch,  
2 she was not. So, if she wanted to hear  
3 from me, I would have been happy to call  
4 her, but -- yeah, no, and me not making a  
5 personal phone call doesn't mean I didn't  
6 check in or didn't care. So, you're  
7 welcome to speak with Dr. Broxterman, I'm  
8 sure he would tell you.

9           Q.       Did you ever reach out to  
10 try and talk to [REDACTED] --

11          A.       No.

12          Q.       -- to see how she was doing?

13          A.       Absolutely not. That was  
14 made pretty clear by mom, that we were  
15 not to talk to her.

16          Q.       Do you know whether anybody  
17 on behalf of the district had ever --  
18 other than Dr. Broxterman had ever  
19 inquired to see how [REDACTED] was doing?

20          A.       I would assume her teachers  
21 and her case manager did.

22          Q.       From the district?

23          A.       Yes. Yes. Her teachers  
24 were -- teachers at Northbridge.

1 Q. Okay. So not --

2 Northbridge, meaning, like, the virtual  
3 part of North Penn?

4 A. Yeah. But we have live and  
5 in the flesh teachers.

6 Q. From 2014 to the present,  
7 are you aware of -- other than the  
8 incidents we've talked about today, with  
9 [REDACTED] [REDACTED] are you aware of other  
10 instances of sexual misconduct with  
11 student victims?

12 A. By [REDACTED]

13 Q. No. Well, do you know of  
14 any of [REDACTED] we haven't talked about?

15 A. No.

16 Q. What about outside of  
17 [REDACTED] just in the district, generally,  
18 since you're here as a representative of  
19 the district, are you aware of or do you  
20 know of other instances of sexual  
21 misconduct of students in the district,  
22 since, say, 2010 up through the present?

23 A. Sure.

24 Q. Can you tell me how many?

1           A.       I can't. No, I can't. I  
2 don't know that number off the top of my  
3 head.

4           Q.       Can you estimate for me?

5           A.       I can't. If we would like  
6 to take another comfort break, I could do  
7 a little research. I can't responsibly  
8 estimate.

9           Q.       Where would you be  
10 researching that information?

11          A.       I can -- as previously  
12 mentioned, I can pull reports, I can look  
13 things up, yes. I can, I can look at  
14 tallies on incidents in a given year, for  
15 example. But I am certainly aware of,  
16 with 13,000 kids, over the course of 12  
17 years, I think you just put the wind out  
18 of instances of sexual misconduct, yes.

19          Q.       I would ask -- I don't want  
20 to spend time in a deposition doing so,  
21 but if you're able to pull that report,  
22 since it's readily available, to figure  
23 out sexual misconduct within the  
24 district, and that's including both,

1    like, on behalf of students as well as  
2    employees and things like that, you'd be  
3    able to pull that?

4           A.     I would have to create  
5    something, I believe, for staff.  For  
6    students, the challenging factor here is  
7    two different systems, one system that we  
8    no longer have.  I could easily pull,  
9    say, a year since Infinite Campus, that  
10   would be no problem for me.  I can pull  
11   '19/'20, which isn't a great year,  
12   because of the pandemic, but I can pull  
13   that date for a given year.  In terms of  
14   past to eSchool, I would have to see if  
15   that's possible.

16           Q.     Okay.  Yeah, I mean, I would  
17   ask that, because the allegations in this  
18   case, the relevant timeframe in this  
19   case, even with the allegations we're  
20   talking about were prior to 2014.  So I  
21   would ask --

22           A.     What might --

23           Q.     -- that -- sorry.

24           A.     What might be easy to

1 pull -- I'm sorry for interrupting --  
2 what might be easy to pull is the data  
3 from that report that we submit in PIMS  
4 or TIMS. I actually believe it's  
5 publically accessible, you could find it.  
6 But I'll see what I can do.

7 Q. Okay. Would you agree that  
8 in order for the reports that are in PIMS  
9 or TIMS, that things would mean -- things  
10 would need to be documented correctly or  
11 accurately in the district system in  
12 order for that to be pulled into the PIMS  
13 or the reporting of the, the district?

14 A. I would agree.

15 Q. Out of the -- as you sit  
16 here today, I know you said you have a  
17 good memory, are you able to recall for  
18 me instances of sexual misconduct within  
19 the district that you can recall?

20 A. I can.

21 Q. Can you tell me about them.  
22 Or, how many can you recall?

23 A. I am aware of -- I have  
24 intimate knowledge of one, in particular,

1 with a, a student and a faculty member.  
 2 Yeah, it's, it's irresponsible for me to  
 3 sit here and say, ah, this one and this  
 4 one. I can also recall an incident where  
 5 students were found doing inappropriate  
 6 things in areas of the building,  
 7 consensual things. Still sexual  
 8 misconduct, in my mind. Might not be  
 9 sexual assault, but it's sexual  
 10 misconduct in a public setting. Those  
 11 are the more frequent types of things you  
 12 get in a high school. Yeah, those are  
 13 the ones that immediately come to mind.  
 14 I can think of a few of the latter type,  
 15 where students are misbehaving in areas  
 16 of the building they shouldn't.

17 Q. And you're saying those are  
 18 all consensual, those ones that you can  
 19 recall?

20 A. Yeah. I can't think of one  
 21 off the top of my head where somebody --  
 22 relations occurred, in the stairwell, for  
 23 example, and one said, "I didn't want to  
 24 partake".



1           Q.     And the instances that  
2     you're talking about, the latter, where  
3     students were doing inappropriate things  
4     consensually, do you have -- those were  
5     all at the high school?

6           A.     Yes.   The ones that I'm  
7     referencing, yes.

8           Q.     When was the timeframe in  
9     which those occurred, the ones that  
10    you're referencing?

11          A.     2015 through 2018.

12          Q.     Like, when you were  
13    principal?

14          A.     Yes.   Those are the ones  
15    that immediately come to mind.

16          Q.     How many occurred during  
17    that time, that you can recall?

18          A.     I think a responsible  
19    estimate would be ten, over those three  
20    years.

21          Q.     Okay.   What about any other  
22    instances of misconduct, sexual  
23    misconduct, among students during your  
24    time as the principal at North Penn High

1 School?

2 A. Nothing immediately comes to  
3 mind, but I'm sure there are other  
4 instances to students that occurred.  
5 Again, I would have to pull that kind of  
6 stuff.

7 Q. Okay. When you said there's  
8 one incident you have intimate knowledge  
9 of involving a teacher and a student, can  
10 you tell me -- without giving the  
11 student's name, can you tell me about  
12 that.

13 A. It was an instructor in our  
14 JROTC program who was having relations  
15 with a student, to my knowledge, off  
16 school grounds. He was driving her home,  
17 and they engaged in all kinds of sexual  
18 activity, whether it be in his car or a  
19 hotel room.

20 Q. Was the student under age,  
21 like under age 18?

22 A. I don't believe the student  
23 was, which was a complicating factor.

24 Q. Do you recall what the

1 outcome of that -- was there an  
2 investigation into that?

3 A. It was fairly limited on our  
4 end because the teacher quit in the  
5 middle of the night and police were  
6 involved immediately. So in terms of,  
7 like, interviewing the individual, none  
8 of that occurred with the adult. With  
9 the student, it was extensive. Yeah, but  
10 he -- the day that it was reported to me,  
11 he never came back the next day.

12 Q. You say it was extensive,  
13 meaning the district interviewing the  
14 student victim?

15 A. Well -- so it was reported  
16 to me by three students. You know, three  
17 nervous kids coming to tell their  
18 principal something about one of their  
19 friends, and we have been -- you know  
20 what, this -- telling this story really  
21 refreshed my memory, that we actually had  
22 Mission Kids come and provide  
23 professional development to our  
24 administrators on what to do and not to

1 do in incidents of sexual misconduct. So  
2 we did have a professional development  
3 segment where Mission Kids came to the  
4 district and gave instruction.

5 Q. Are you talking about --  
6 sorry -- after the one with the  
7 instructor -- JROTC instructor?

8 A. Timeline-wise, I don't --  
9 no, I would say it was before that. So  
10 this was a while ago. There was  
11 professional development. Just telling  
12 this story reminded me that Mission Kids  
13 came here and presented to us, and as  
14 part of that professional development  
15 opportunity from Mission Kids, we were  
16 advised to not stop a student from  
17 talking but don't ask questions at --  
18 when -- as soon as you know that there is  
19 some kind of potential for there to be a  
20 sexual case. So I recall, as the  
21 building principal at the time, kids  
22 coming in nervous to tell me this story,  
23 and I sat down with them and kind of  
24 said, "guys, you're not going to tell me

1 anything I haven't heard before, go  
 2 ahead". They were super nervous. And  
 3 then they said our friend, Sally, is  
 4 having sex with Mr. Miller. And I said,  
 5 "okay, go on." And they just talked and  
 6 talked and talked and talked and talked.  
 7 I didn't ask any questions. I took all  
 8 kinds of notes. And in the meantime, I  
 9 had poked my head out and asked the  
 10 secretary to call the superintendant and  
 11 to call the police. And so the police  
 12 came in and take over -- took over,  
 13 excuse me. They interviewed the kids,  
 14 and in many cases I sat with the kids,  
 15 because I was in loco parentis. So  
 16 extensive Q&A with the students in my  
 17 presence. I didn't do the Q&A.

18 Q. Do you have an estimate of  
 19 when this Mission Kids professional  
 20 development training took place, or even  
 21 in the context of in this case, the  
 22 timeline, before this, after that?

23 A. I was hoping you wouldn't  
 24 ask that, because I don't remember. But

1 I think I can responsibly figure it out.  
2 That occurred -- I'm going to say it was  
3 in -- sometime in 20 -- the spring of  
4 2016, is my guess.

5 Q. Was them coming in and doing  
6 this professional development training in  
7 response to something?

8 A. No. Not to my knowledge.

9 Q. Do you know, like, why then,  
10 why in the spring of 2016 did they decide  
11 to come in and give this professional  
12 development training to the  
13 administration?

14 A. I actually believe there  
15 was, like, a circuit, they were going  
16 around to school districts. I don't know  
17 what precipitated -- I was not at central  
18 office administration at the time. I  
19 don't know what the impetus was. But I  
20 remember it happening.

21 Q. Are there any other  
22 complaints or situations, incidents of  
23 sexual harassment within the district  
24 that you can recall?

1           A.     I can think of a case that  
2 occurred last year at one of our middle  
3 schools.

4           Q.     What, what -- do you  
5 remember what middle school that was?

6           A.     Penndale.

7           Q.     What do you -- without  
8 giving me, like, the details of the  
9 student's name, what did that incident  
10 involve?

11          A.     Parent reporting that a  
12 young man was touching their child  
13 inappropriately. I was alerted to it the  
14 first weekend in October last year. So  
15 this would have been, what, 2020. I was  
16 away with my wife. And we were able to  
17 pull security footage of what was alleged  
18 to have happened. There was enough in  
19 the security footage that I advised the  
20 principal to call the Title IX  
21 coordinator -- this is a Saturday, by the  
22 way -- call the Title IX coordinator, and  
23 then she took it from there.

24          Q.     The Title IX coordinator,

1     that would have been, who?

2             A.     Dr. Diegue.

3             Q.     Was Dr. Diegue also the  
4     director of HR?

5             A.     Assistant director of HR.

6             Q.     Okay.

7             A.     Do you mind if I stand?

8             Q.     No, not at all.

9             A.     Okay.

10            Q.     So long as the video, I  
11     guess, is -- I'm just -- I'm reviewing my  
12     notes. I may be done, I just want to  
13     double check.

14            A.     No problem.

15            Q.     Did you say -- are you able  
16     to pull up what was sent home in that  
17     packet, are you able to get access to  
18     that?

19            A.     Like, this instant, or can I  
20     get it?

21            Q.     I guess, you're able to do  
22     that separately, right?

23            A.     Yeah.

24            Q.     All right. I think those



1 are -- if you're able to do that and  
2 provide that to your counsel as well, I  
3 think those are all the questions that I  
4 have for you.

5 A. Okay. I will get you the  
6 back to school mailing, the Act 126  
7 trainings, [REDACTED] and [REDACTED] files, and  
8 I'll find out whether or not I can -- oh,  
9 the OCR report uploads and then whether  
10 or not I can get further detail on the  
11 event of 4/9/15 from eSchool.

12 Q. Or any of the reports in  
13 eSchool, if any of them can -- I know,  
14 the middle one, you already provided me  
15 what can be clicked on that.

16 A. I can give you the report on  
17 the other one; he cut class. But I  
18 can -- I'll look.

19 Q. Okay.

20 MS. LAUGHLIN: All right.

21 Those are all the questions I have.

22 Thank you very much.

23 THE WITNESS: Thank you.

24 THE VIDEOGRAPHER: Are there

1 any other questions?

2 MS. JORDAN: No.

3 THE VIDEOGRAPHER: All  
4 right. Okay. Please standby.

5 This concludes the video  
6 deposition. We're going off the video  
7 record, the time is 4:57 p.m.

8 MS. JORDAN: I will take a  
9 copy of the transcript.

10 (Whereupon, the deposition  
11 concluded at 4:57 p.m.)

12 (Whereupon, deposition  
13 Exhibits-A through D were marked for  
14 identification.)

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CERTIFICATE

I HEREBY CERTIFY that the  
witness was duly sworn by me and that the  
deposition is a true record of the  
testimony given by the witness.

A handwritten signature in blue ink, appearing to read "Benjamin Pieczynski, Jr.", is written over a horizontal line.

BEN PIECZYNSKI, JR., a  
Professional  
Reporter and Notary Public  
Dated: September 29th, 2021

(The foregoing certification  
of this transcript does not apply to any  
reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

1	LAWYER 'S NOTES		
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# EXHIBIT “K”

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3

4 JANE DOE, : CIVIL ACTION NO.  
Plaintiff, : 2:20-CV-05142  
5 :  
vs. :  
6 :  
NORTH PENN SCHOOL :  
7 DISTRICT, :  
Defendant. :

8  
9  
- - -

10 August 10, 2021  
11

- - -

12  
13 Remote videotaped deposition of KATHRYN  
14 SMALL, taken pursuant to notice, at the  
15 location of the witness, Lansdale,  
16 Pennsylvania, commencing on the above date  
17 at or about 10:16 a.m., before Eileen P.  
18 Barth, C.S.R., N.P.  
19

20 - - -  
21  
22

23 GOLKOW LITIGATION SERVICES  
Phone 877.370.3377 | Fax 917.591.5672  
24 deps@golkow.com

1 APPEARANCES:

2 FREIWALD LAW

BY: LAURA E. LAUGHLIN, ESQUIRE

3 1500 Walnut Street

Suite 1801

4 Philadelphia, PA 19102

lel@freiwalddlaw.com

5 Attorneys for the Plaintiff

6

HENDRZAK & LLOYD

7 BY: MAUREEN A. JORDAN, ESQUIRE

3701 Corporate Parkway

8 Center Valley, PA 18034

maureen.jordan@zurichna.com

9

and

WISLER PEARLSTINE, LLP

10 BY: KYLE SOMERS, ESQUIRE

460 Norristown Road, Suite 110

11 Blue Bell, PA 19422

ksomers@wispearl.com

12 Attorneys for the Defendant

13

14

ALSO PRESENT: Karen Keebler, Videographer

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1                   DEPOSITION SUPPORT INDEX

2

DIRECTIONS NOT TO ANSWER:

3       PAGES:   None

4       REQUESTS FOR DOCUMENTS OR INFORMATION:

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STIPULATIONS AND/OR STATEMENTS:

6       PAGES:   5

7       MARKED QUESTIONS:

PAGES:   None

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1                   (It is stipulated by and  
2                   among counsel for representative  
3                   parties that the reading, signing,  
4                   sealing and certification are  
5                   waived, and that all objections of  
6                   any nature except as to the form  
7                   of the question are reserved until  
8                   the time of trial.)

9                   THE VIDEOGRAPHER: We're now  
10                  on the record. My name is Karen  
11                  Keebler. I'm a videographer for  
12                  Golkow Litigation Services.  
13                  Today's date is Tuesday, August  
14                  10th, 2021, and the time is 10:16  
15                  a.m.

16                 This remote video deposition  
17                 is being held in the matter of  
18                 Jane Doe versus North Penn School  
19                 District in the United States  
20                 District Court for the Eastern  
21                 District of Pennsylvania, Civil  
22                 Action Number 2:20 CV 05142. The  
23                 deponent is Kathryn Marie Small.

24                 All parties to this

1 deposition are appearing remotely  
2 and have agreed to the witness  
3 being sworn in remotely.

4 Due to the nature of remote  
5 reporting, please pause briefly  
6 before speaking to ensure all  
7 parties are heard completely.

8 Will counsel please identify  
9 themselves, beginning with  
10 Plaintiff's counsel?

11 MS. LAUGHLIN: Laura  
12 Laughlin for the Plaintiff, Jane  
13 Doe.

14 MS. JORDAN: Maureen Jordan  
15 for the Defendant, North Penn  
16 School District.

17 MR. SOMERS: And Kyle Somers  
18 also for the Defendant, North Penn  
19 School District.

20 THE VIDEOGRAPHER: The court  
21 reporter is Eileen Barth, and will  
22 now swear in the witness.

23 KATHRYN SMALL, having been  
24 duly sworn, was examined and

1 testified as follows:

2 BY MS. LAUGHLIN:

3 Q. Good morning, Ms. Small.

4 A. Good morning.

5 Q. My name is Laura Laughlin,  
6 as I just put on the record. I represent  
7 Jane Doe in this lawsuit that's been  
8 brought against the North Penn School  
9 District.

10 Have you ever given a  
11 deposition before?

12 A. I have not.

13 Q. I am sure in the last year  
14 and a half, almost two years now, you've  
15 become pretty familiar with Zoom; is that  
16 right?

17 A. Yes.

18 Q. So Zoom you're familiar  
19 with. I'll go over some rules for a  
20 deposition to make that go a bit  
21 smoother, just like the adjustment we all  
22 had when we first started using Zoom.  
23 I'll give you a few ground rules that  
24 will hopefully let things go smoothly

1 today.

2 A. Great.

3 Q. If at any time, you know,  
4 the audio cuts out or something like that  
5 and you can't hear me, just let me know  
6 and I'll rephrase the question. Okay?

7 A. Yes.

8 Q. Since we have a court  
9 reporter taking down everything that's  
10 said, she's going to type up a  
11 transcript. All of your answers need to  
12 be verbal. So we can't say "unh-unh" or  
13 nod your head. Okay?

14 A. Yes.

15 Q. You may think you know where  
16 I'm going with my question, but I would  
17 just ask that you wait until I'm done  
18 asking my question before you begin your  
19 answer, and I'll try and wait to start my  
20 next question before you're -- I'll wait  
21 until you're done answering. Okay?

22 A. Okay.

23 Q. If I start asking my next  
24 question and you weren't done your

1       answer, just let me know and I'll let you  
2       finish. All right?

3               A.       Okay.

4               Q.       If I ask a question --  
5       sometimes I may stumble over my words.  
6       If I ask a question that you don't  
7       understand or it doesn't make sense, just  
8       let me know and I'll try and rephrase it  
9       so you do understand. Okay?

10              A.       Okay.

11              Q.       If you answer the question  
12       and don't tell me that you didn't  
13       understand it, we're all going to assume  
14       that you did understand it since I just  
15       gave you that instruction. All right?

16              A.       Okay.

17              Q.       We're going to be talking  
18       about some things that happened a few  
19       years ago, around 2018. So there may be  
20       things that you don't remember anymore.

21                      If that's the truthful  
22       answer, then that's fine to just say you  
23       don't remember. I just don't want you to  
24       guess. All right?

1                   A.     Okay.

2                   Q.     However, you can give an  
3     estimation. If you don't know the exact  
4     date something happened, just let us know  
5     that you're estimating. That's fine to  
6     do.

7                   A.     Okay.

8                   Q.     If you need to take a break  
9     for any reason today, just let us know  
10    and you can do so. I would just ask that  
11    if there's a question pending, that you  
12    answer it before you take a break.

13                  A.     Okay.

14                  Q.     I think my last question for  
15    now -- or my last instruction for now is  
16    I may be -- I'm going to be asking you  
17    some questions about conversations you  
18    may have had. And I just want to clarify  
19    that when I ask you a question like that,  
20    I'm not asking you for conversations that  
21    you had with your counsel, Ms. Jordan or  
22    Mr. Somers; all right?

23                  A.     Okay.

24                  Q.     Those are off limits. I'm

1 not trying to ask things like that.

2 If the only answer you can  
3 give is based on something you had a  
4 conversation with them with, just let me  
5 know and then we'll move on.

6 A. Okay.

7 Q. Did you review any documents  
8 in preparation for the deposition today?

9 A. I did.

10 Q. And can you describe for me  
11 the documents that you reviewed?

12 A. I was able to review some  
13 notes that I had taken during the IEP  
14 meeting that happened in August of 2018,  
15 and I was able to review a safety plan  
16 that I developed with the principal of  
17 North Montco Technical Career Center when  
18 [REDACTED] transitioned over to the tech  
19 school in October of 2018, and I was able  
20 to review some IEP documents.

21 Q. When you say "the principal  
22 of North Montco," is that Donald Wong?

23 A. Yes.

24 Q. Those three sets of



1 documents that you reviewed, were they --  
2 do you know whether they were, like,  
3 stamped at the bottom, or were these  
4 things that you had separately kept?

5 A. I don't know that they were  
6 stamped at the bottom, but I do know that  
7 the attorneys shared these documents with  
8 me when I was meeting with them prior to  
9 this.

10 Q. So this isn't something that  
11 you had, like, separate that you had  
12 brought; right?

13 A. No.

14 Q. Can you tell me a bit about  
15 your educational background?

16 A. Sure. So I graduated from  
17 West Chester University of Pennsylvania  
18 in 2011, and I began my teaching career  
19 in Alexandria city public schools in  
20 Virginia. I was a special education  
21 teacher.

22 I then taught for Mastery  
23 Charter Schools in Philadelphia, and I  
24 joined North Penn School District in

1       2014, and I then received my master's  
2       degree in educational leadership from  
3       Arcadia University in 2018.

4               Q.       And would that have been,  
5       like, in June of 2018?

6               A.       I completed the program in  
7       May of 2018.

8               Q.       When you were an undergrad  
9       at West Chester, what was your major?

10              A.       I majored in elementary and  
11       special education.

12              Q.       And then your first job out  
13       of college was, you said, in Alexandria,  
14       Virginia as a special education teacher;  
15       right?

16              A.       Yes.

17              Q.       During that time, can you  
18       describe for me your job  
19       responsibilities?

20              A.       Sure. So I was responsible  
21       for managing a caseload of approximately  
22       20 students, and I provided instruction  
23       to them in English and language arts as  
24       well as math, and these were second and

1     third grade students, and I also  
2     co-taught with their general education  
3     teachers.

4             Q.     In that position, other than  
5     the responsibilities you just described,  
6     did you have any administrative-type  
7     responsibilities overall at the school?

8             A.     I did not.

9             Q.     And then you said -- how  
10    long did you do that teaching in  
11    Alexandria, Virginia?

12            A.     For one year. So it was the  
13    2011-2012 school year.

14            Q.     And then you said you moved  
15    to Mastery Charter in Philadelphia?

16            A.     Correct.

17            Q.     And what was your role  
18    there?

19            A.     I was a fourth grade general  
20    education teacher, and I taught literacy.

21            Q.     And how long did you do that  
22    for?

23            A.     I was there for the  
24    2012-2013 school year, and then the first

1 half of the 2013-2014 school year.

2 Q. Why did you leave Mastery  
3 Charter midyear?

4 A. I had an opportunity at  
5 North Penn. I had been a student at the  
6 district, so I was definitely looking to  
7 try to become a teacher in this district.  
8 And the opportunity presented itself, so  
9 I interviewed and accepted the position.

10 Q. And what position did you  
11 accept when you started at North Penn  
12 midway through -- or I guess in the  
13 beginning of 2014?

14 A. I was a special education  
15 teacher at the elementary level.

16 Q. What school were you at?

17 A. Oak Park Elementary School.

18 Q. And you said that you were a  
19 student in the North Penn School  
20 District?

21 A. Yes.

22 Q. Did you go all the way from  
23 elementary through high school through  
24 this district?

1           A.     I did.

2           Q.     And so did you graduate from  
3 North Penn High School as well?

4           A.     I did.

5           Q.     Who was the principal at the  
6 time you graduated, if you can remember?

7           A.     Burt Hines.

8           Q.     Do you remember who the  
9 superintendent was?

10          A.     I do not.

11          Q.     Do you know whether it was  
12 Curt Dietrich?

13          A.     I don't believe so.

14          Q.     In your time as a student in  
15 the district, did you know Pete Nicholson  
16 at all?

17          A.     I did not.

18          Q.     Same question for Curt  
19 Dietrich. Did you know him?

20          A.     I did not.

21          Q.     What about Todd Bauer? Did  
22 you know him at all during your time as a  
23 student in the district?

24          A.     I did not.

1           Q.     So you started as a fourth  
2     grade special education -- or sorry --  
3     general education teacher, right, at Oak  
4     Park Elementary in 2014?

5           A.     I started at Oak Park as a  
6     special education teacher. So I  
7     supported multiple grade levels.

8           Q.     Multiple grade levels in the  
9     elementary school, though?

10          A.     Yes.

11          Q.     And then how long did you do  
12     that for?

13          A.     I was a special education  
14     teacher from 2014 through 2018, the end  
15     of the 2018 school year.

16          Q.     And that's the same time  
17     that you graduated with your master's  
18     from Arcadia?

19          A.     Correct.

20          Q.     During 2014 to 2018, did you  
21     stay at Oak Park Elementary School?

22          A.     I did.

23          Q.     And so you were just, like  
24     you said, supporting different elementary

1 school grades with a case list that you  
2 had for kids that were in the special  
3 education program?

4 A. Yes.

5 Q. At Oak Park, did you have  
6 any administrative responsibilities at  
7 the school?

8 A. No.

9 Q. How many years was the  
10 master's in education -- educational  
11 leadership at Arcadia?

12 A. I started the program in the  
13 fall of 2015.

14 Q. Were you going full-time or  
15 part-time?

16 A. I went part-time. I was  
17 still teaching full-time.

18 Q. So was it something you  
19 would do in the evenings?

20 A. Yes.

21 Q. Do you know how long the  
22 full-time program takes normally to  
23 complete?

24 A. I don't.

1           Q.     Can you describe for me the  
2     master's in educational leadership  
3     program that you went through?

4           A.     So there were various  
5     courses offered in that program around  
6     school finance, human resources,  
7     educational leadership, supporting  
8     curriculum and instruction. And within  
9     that program, I was able to get my  
10    certification to be a supervisor of  
11    special education. That required me to  
12    complete an internship.

13          Q.     And when did you complete  
14    that internship?

15          A.     I completed that internship  
16    in the spring of 2018. Actually, I  
17    believe that I started that in the fall  
18    of 2018. I'm sorry. Fall of 2017.

19          Q.     So you started the  
20    internship in the fall of 2017, and you  
21    completed it when?

22          A.     In May of 2018 when I  
23    graduated.

24          Q.     So the internship was for a



1 full year?

2 A. Yes.

3 Q. Where did the internship  
4 take place?

5 A. Within the district.

6 Q. Was it with your role at Oak  
7 Park Elementary?

8 A. So I was able to maintain my  
9 role, and then I would just attend  
10 additional meetings with my mentor while  
11 I went through that program.

12 Q. Who was your mentor?

13 A. Dr. Jenna Rufo.

14 Q. And she's in the North Penn  
15 School District?

16 A. She was the director of  
17 special education at the time of my  
18 internship.

19 Q. And you said, as your  
20 internship, you would go with her to  
21 meetings?

22 A. I would attend meetings with  
23 her that she felt related to my learning  
24 in order to become a supervisor of

1 special education. I would attend  
2 professional development sessions that  
3 she recommended, and I would just  
4 participate in things that aligned more  
5 to special education leadership at her  
6 guidance.

7 Q. How often were you, like,  
8 going to these meetings or doing things  
9 as part of the internship program?

10 A. It really depended on what  
11 was happening during that time in the  
12 school year. I would have some  
13 flexibility during my prep periods as a  
14 teacher to kind of pick up some projects  
15 that related to my internship that Dr.  
16 Rufo would assign to me, but I would say  
17 that I likely attended a meeting or a  
18 professional development maybe once a  
19 week.

20 Q. And are these meetings just  
21 things you would go and kind of observe  
22 what was going on?

23 A. Yes.

24 Q. When you said that part of

1 the program -- the master's program was  
2 on educational leadership, what does that  
3 mean?

4 A. So that was really kind of  
5 understanding how to support teachers in  
6 being able to deliver effective  
7 instruction in their classrooms.

8 Q. And what about the HR  
9 component? What did that involve?

10 A. That really just gave you a  
11 general overview of how human resources  
12 works within a school district. And I  
13 believe as part of that, we reviewed the  
14 Pennsylvania School Code as part of our  
15 course.

16 Q. And what do you mean, "the  
17 Pennsylvania School Code"?

18 A. So that is the school code  
19 that districts follow in order to make  
20 sure that they are, I guess, educating  
21 students by the guidance of the State.

22 Q. So in terms of, like, the  
23 actual, like, curriculum and the  
24 coursework that students are taking?

1           A.     No. The school code really  
2 just kind of outlines the basic ways that  
3 a school district is expected to  
4 function.

5           Q.     Does any of that have to do  
6 with, like, discipline or issues that may  
7 come up with students?

8           A.     I don't remember.

9           Q.     As part of your schooling  
10 for the master's that you received and  
11 this internship that you did with Ms.  
12 Rufo, did any of it cover things like a  
13 safety plan for students?

14          A.     No, not that I can remember.

15          Q.     Do you recall whether any of  
16 the training you received dealt with --  
17 and I mean training before you took on  
18 this role, this new role in 2018. Did  
19 any of it deal with Title IX?

20                 MS. LAUGHLIN: I think she  
21 might have froze.

22                 THE VIDEOGRAPHER: She did  
23 freeze.

24                 Would you like to go off the

1 record?

2 MS. LAUGHLIN: Sure.

3 THE VIDEOGRAPHER: We're off  
4 the record. The time is 10:34.

5 (Whereupon, a brief recess  
6 was held.)

7 THE VIDEOGRAPHER: We're  
8 back on the record. The time is  
9 10:35.

10 (Whereupon, the court  
11 reporter read the referred-to  
12 question.)

13 THE WITNESS: I do remember  
14 having a former director of human  
15 resources come to speak to my  
16 class as a whole and shared that  
17 she was the Title IX  
18 representative for her district.  
19 And she just touched on, you know,  
20 what her responsibilities were,  
21 but I don't remember talking about  
22 Title IX significantly.

23 BY MS. LAUGHLIN:

24 Q. That one time that a Title

1 IX coordinator from a district came and  
2 spoke to you, your class, that wasn't a  
3 Title IX coordinator for North Penn  
4 School District; right?

5 A. No.

6 Q. Can you tell me what you  
7 remember about her explanation of Title  
8 IX or what the responsibilities were that  
9 she explained to your class?

10 A. She explained that in her  
11 role, anything that would have fallen  
12 under Title IX would have been reported  
13 to her and that she would have supported  
14 the team at a building level in working  
15 through that -- any given --

16 THE COURT REPORTER: I think  
17 she froze again.

18 MS. LAUGHLIN: Let's go off  
19 the record again.

20 THE VIDEOGRAPHER: We're off  
21 the record. The time is 10:36.

22 (Whereupon, a brief recess  
23 was held.)

24 THE VIDEOGRAPHER: We're

1 back on the record. The time is  
2 10:38.

3 BY MS. LAUGHLIN:

4 Q. Ms. Small, you were just  
5 explaining when a Title IX coordinator  
6 from a district outside of North Penn had  
7 come to your class in your master's  
8 program and explained her role as Title  
9 IX. So I want to follow up with you on  
10 that.

11 You said -- I had asked you,  
12 you know, what you recall about her  
13 explanation to your class, and you told  
14 me that Title IX issues would be reported  
15 to her and that she would support the  
16 team of teachers when something would be  
17 reported to her; is that correct?

18 MS. JORDAN: Note my  
19 objection to the form of the  
20 question.

21 You can answer.

22 THE WITNESS: Yes.

23 BY MS. LAUGHLIN:

24 Q. What else do you recall

1     about what she said? Because I think  
2     your answer got cut off a little bit just  
3     due to the connection issue we were  
4     having.

5             A.     I really just recall her  
6     sharing that she would support a team at  
7     a building level with any situation that  
8     would have fallen under Title IX.

9             Q.     Did you have an  
10    understanding after that training as to  
11    whose responsibility it was to comply  
12    with Title IX?

13            A.     My understanding was that  
14    it's any school employee.

15            Q.     Other than the one night  
16    when the woman had come into the class  
17    and gave the explanation about Title IX,  
18    did you receive any other training or  
19    have any conversations about Title IX  
20    through your grad program or through your  
21    internship with Ms. Rufo?

22            A.     Not that I can remember.

23            Q.     So you would agree with me,  
24    then, that in the internship with North



1 Penn School District, you never had any  
2 education or conversations surrounding  
3 Title IX or responsibilities under Title  
4 IX; is that right?

5 MS. JORDAN: Objection to  
6 the form of the question.

7 You can answer.

8 THE WITNESS: Not that I  
9 remember.

10 BY MS. LAUGHLIN:

11 Q. After the end of 2018 when  
12 you ended your role as a special  
13 education teacher in Oak Park Elementary,  
14 what did you do next?

15 A. When the school year  
16 finished at Oak Park, I interviewed for  
17 an interim supervisor of special  
18 education position, and I accepted that  
19 position.

20 Q. When did you accept that  
21 position?

22 A. I believe I accepted in June  
23 of 2018 with a start date of mid-July  
24 2018.

1           Q.     And this was within the  
2     North Penn School District; is that  
3     right?

4           A.     Yes.

5           Q.     Was it for a particular  
6     school?

7           A.     North Penn High School.

8           Q.     Who did you actually accept  
9     the job from? Like, did someone in  
10    particular offer you that position?

11          A.     I don't remember. I think  
12    the call came from human resources, but I  
13    don't remember who called.

14          Q.     Who were the people, if you  
15    can recall, that were, like, involved in  
16    the interviewing process? For example,  
17    was it, like, Pete Nicholson, the  
18    principal of North Penn, or who were you  
19    going through that process with?

20          A.     I don't remember everybody  
21    who was there. I do know that Pete  
22    Nicholson was there -- he, I think, had  
23    just accepted the principal position for  
24    the upcoming school year -- Dr. Rufo was

1 part of the interview; Tiffany D'Amore,  
2 who was another supervisor of special  
3 education. Aside from that, I don't  
4 remember who else was part of that panel.

5 Q. So was it just, like, a  
6 one-panel interview with several people  
7 that you mentioned present?

8 A. Yes.

9 Q. Do you know why there was an  
10 interim role for supervisor of special  
11 education at the high school?

12 A. I believe that one of the  
13 supervisors was out on medical leave and  
14 she would have to decide whether she was  
15 returning in January of 2019.

16 Q. So when you were taking on  
17 this role, was there any understanding  
18 for you as to how long this role was  
19 going to last?

20 A. I did know that a contracted  
21 -- or, you know, a formal position would  
22 become available in January of 2019.

23 Q. You did know that one was  
24 going to come available?

1           A.     If the current supervisor  
2     decided not to return from her medical  
3     leave.

4           Q.     And do you know who that  
5     supervisor was?

6           A.     Sandy Sieminski was her  
7     name.

8           Q.     And so you were offered the  
9     role and then accepted the role to start  
10    in mid-July of 2018; is that right?

11          A.     Yes.

12          Q.     Now, was this your first --  
13    sorry. Strike that.

14                   Is the supervisor of special  
15    education position -- was that a more  
16    administrative role as compared to what  
17    you were doing before?

18          A.     Yes.

19          Q.     Can you describe for me what  
20    that position or that role entailed?

21          A.     So I was responsible for  
22    supervising a caseload of students at  
23    North Penn High School as well as  
24    Northbridge, which was our credit

1 recovery building.

2 I worked with teams to  
3 discuss special education programming for  
4 students, I completed evaluations of  
5 special education teachers, and I  
6 completed evaluations for  
7 paraprofessionals working at the  
8 buildings that I supervised.

9 Q. You mentioned Northbridge  
10 was the credit recovery building?

11 A. Yes.

12 Q. What does that mean?

13 A. Students who were not on  
14 track to graduate would have the  
15 opportunity to attend Northbridge School  
16 which offered credit recovery. So they  
17 would do part of their day virtually and  
18 then they would be in person for classes  
19 for the remainder of their day.

20 Q. So that program is, like,  
21 kind of like an alternative school in a  
22 sense, to allow -- go ahead.

23 A. Yes.

24 Q. And the purpose of it was to

1 allow students who, whether didn't have  
2 enough credits to graduate or weren't on  
3 track to graduate, to try and play  
4 catch-up so that they could graduate on  
5 time?

6 A. Yes.

7 Q. Was that school also used  
8 for, like, kids who had, like, behavioral  
9 issues that, like, would have been, like,  
10 at North Penn High School or something  
11 like that and then go to, like, an  
12 alternative school due to, like, some of  
13 the behavioral issues they were having?

14 A. No. The way that a student  
15 would need to be eligible to attend that  
16 school was really strictly based on where  
17 they stood with their credits.

18 Q. Was it something elective  
19 that students would go there, or the  
20 North Penn High School, for example,  
21 would say you're going to spend your days  
22 at Northbridge to get caught up?

23 A. It was typically a  
24 conversation that would happen through

1 the child study process.

2 Q. What's the child study  
3 process?

4 A. That is a team of  
5 administrators, teachers, and counselors,  
6 school psychiatrists who come together  
7 and review student data, and they will  
8 make recommendations for a student if  
9 they are failing courses or, like we were  
10 discussing, don't have enough credits to  
11 graduate on time.

12 Q. Is this child study team  
13 process -- is that something -- how does  
14 a student, I guess, get put into a study  
15 -- child study team process?

16 A. Typically, that happens  
17 through the recommendation of a teacher.  
18 There is a form that's completed, and  
19 then the child's name would be added to  
20 the list to be discussed at child study.

21 Q. When you accepted this role  
22 as the interim supervisor of special  
23 education, did you receive any additional  
24 training from the district?

1           A.     Given my start date, the  
2     first day that I was officially in the  
3     position, I did attend North Penn's  
4     leadership training that happened for two  
5     days.

6           Q.     Can you describe for me what  
7     that training entailed?

8           A.     Really, we talked about  
9     district goals. We reviewed data that  
10    was available to us, student performance  
11    data based on all of the buildings in our  
12    district.

13                   We did have some legal  
14    trainings that took place, and I do know  
15    that one of them was a Title IX session.

16           Q.     When you say "legal  
17    trainings that took place," what do you  
18    mean?

19           A.     I don't remember  
20    specifically, but I do know that Kyle  
21    Somers was there to present to us.

22           Q.     Did you receive any, like,  
23    handouts or documentation at this two-day  
24    training?



1           A.     Not that I remember.

2           Q.     Do you recall what you  
3     learned from the training on the Title  
4     IX?

5           A.     I remember knowing that our  
6     Title IX coordinator was Cheryl McHugh,  
7     who was the director of human resources.

8           Q.     Other than the Title IX  
9     coordinator being identified during the  
10    training, is there anything that you  
11    remember substantive about what you  
12    learned or what was taught?

13          A.     I remember learning a bit  
14    more about Title IX and just that it is a  
15    law that protects students against  
16    discrimination or any staff members  
17    against discrimination.

18          Q.     Do you know whether you  
19    learned about the responsibilities, like,  
20    in your role as a special education  
21    supervisor, what it would be in terms of  
22    Title IX?

23          A.     I don't remember.

24          Q.     When you say you learned

1       that Title IX prevents discrimination of  
2       students, do you recall or did you know  
3       at the time whether that also included,  
4       like, sexual harassment or sexual  
5       assault?

6               A.       Yes.

7               Q.       How did you know that?

8               A.       From the presentation.

9               Q.       When you say a presentation,  
10       was it just something where Mr. Somers  
11       stood up and talked to you, or was there  
12       some kind of PowerPoint or something that  
13       you were following along with?

14              A.       I don't remember.

15              Q.       As part of the two-day  
16       leadership training that you underwent to  
17       take on this new role, did any of the  
18       training cover, like, safety plans?

19              A.       I don't remember.

20              Q.       Had you, up to this point,  
21       ever participated and/or helped implement  
22       a safety plan for a student?

23              A.       No.

24              Q.       This leadership training,

1       who else was present at the training?

2       Like, was it just training for you or was  
3       it a larger group of people?

4               A.       It was all of the  
5       administration within the district.

6               Q.       So, like, North Penn high  
7       school level, the middle schools,  
8       elementary schools?

9               A.       Yes.

10              Q.       Was there any kind of  
11       testing that was done throughout the two  
12       days?

13              A.       No.

14              Q.       Did you take any notes  
15       during the two-day leadership training?

16              A.       I don't remember.

17              Q.       Based on your custom and  
18       practice at the time, would you typically  
19       take notes on a computer or in a  
20       notebook?

21              A.       I usually use a notebook and  
22       pen, but I also have been known to take  
23       notes on the computer, especially as I  
24       transitioned into that role because I was

1     working across many -- or two different  
2     buildings. I really kind of switched at  
3     that time to using more digital notes.

4             Q.     When you say "digital  
5     notes," was it on a personal computer or,  
6     like, a district computer that you'd be  
7     using?

8             A.     It would have been my work  
9     computer.

10            Q.     Do you still have that  
11     computer? Or you said a work computer,  
12     meaning the district computer?

13            A.     Yes.

14            Q.     Do you still have access to  
15     that?

16            A.     I have a different computer  
17     now than I did at that time.

18            Q.     Okay. Do you know what  
19     happened to that computer?

20            A.     I don't.

21            Q.     Was there a particular spot  
22     that you would keep your notes when you'd  
23     type them up on a district computer?

24            A.     Usually my Google Drive.

1 Q. Do you still have access to  
2 that Google Drive today?

3 A. I do.

4 Q. Before the deposition, had  
5 you checked at all to see whether you had  
6 any notes on there pertaining to, like,  
7 this case or [REDACTED] [REDACTED]

8 A. Yes. I had seen my notes  
9 from the case regarding [REDACTED] but that  
10 was all that I really still have access  
11 to through my drive.

12 Q. Okay. When did you see the  
13 notes that were on the drive related to  
14 [REDACTED]

15 A. When I met with our  
16 attorneys earlier this summer.

17 Q. When you went on -- are the  
18 documents on there still -- still in the  
19 drive on your computer?

20 A. Yes.

21 Q. And if you can recall, what  
22 documents were on there?

23 A. Notes that I had kept from  
24 the IEP meeting that I attended in August

1 of 2018.

2 Q. Anything else?

3 A. Not that I remember looking  
4 at in preparation for the deposition.

5 Q. Do you know whether in that  
6 Google Drive -- whether there's anything  
7 on there with notes regarding training  
8 you received before taking on the special  
9 education supervisor role?

10 A. I don't.

11 Q. You don't know?

12 A. I don't know.

13 Q. Okay. I would ask that  
14 following the deposition today, if you  
15 could go over that Google Drive and just  
16 see if there are any notes that are kept  
17 on there pertaining to any training that  
18 you received like we just discussed.  
19 Okay?

20 A. Yes.

21 Q. And if so, you can provide  
22 them to Ms. Jordan, your counsel.

23 A. Okay.

24 Q. You said that when you took

1 on this role in mid-July of 2018, you  
2 were splitting your time between North  
3 Penn High School and the Northbridge  
4 School.

5 Can you explain for me the  
6 breakdown or how you split your time in  
7 that role?

8 A. So once the students  
9 returned to school in the end of August,  
10 I would typically spend four days at  
11 North Penn High School and one day at  
12 Northbridge.

13 Q. And your four days at North  
14 Penn High School, what was -- did you  
15 have, like, a typical week of what -- I  
16 know everything is going to change  
17 sometimes, but did you have, like, a  
18 typical week of what you'd be doing in  
19 those four days at North Penn High  
20 School?

21 A. Most times, I would be  
22 visiting classrooms, attending IEP  
23 meetings, and participating in our child  
24 study team.

1           Q.       Would I be correct that it  
2 almost seems like you split your time as  
3 part doing administrative things in the  
4 supervisor of special education, but then  
5 also had split your time with, like, a  
6 caseload of students to almost like a  
7 special educational teacher too?

8           MS. JORDAN: Note my  
9 objection to the form of the  
10 question.

11           You can answer.

12           THE WITNESS: No. I -- when  
13 I say that I had a caseload of  
14 students that I was responsible  
15 for, I really didn't have any  
16 instructional connection to them.  
17 I was responsible for overseeing  
18 their special education  
19 programming, so making sure that  
20 they got courses that they needed  
21 to be able to address their  
22 specific needs.

23       BY MS. LAUGHLIN:

24           Q.       Okay. So then the time you



1 would spend in the classroom, was it more  
2 to, like, evaluate the teachers and stuff  
3 like that?

4 A. Yes.

5 Q. Okay. I understand.

6 In your Title IX training --  
7 sorry. Let me go back for a second.

8 The Title IX training that  
9 you received during the two-day  
10 leadership training from Mr. Somers, was  
11 that the only Title IX training that you  
12 had received from the district up to that  
13 point?

14 A. I don't remember.

15 Q. Other than looking at  
16 documents, do you have an independent  
17 recollection of your involvement with  
18 [REDACTED] [REDACTED] in her education at  
19 North Penn High School?

20 A. I do.

21 Q. Did you have any interaction  
22 with [REDACTED] or her family prior to the  
23 summer of 2018?

24 A. No.

1           Q.     Tell me -- can you tell me  
2     about the first time that you remember  
3     coming into contact or being involved  
4     with [REDACTED]

5           A.     The first time that I met  
6     [REDACTED] was at an IEP meeting that was  
7     held on August 22nd of 2018.

8           Q.     And how did that meeting  
9     come about, that IEP meeting?

10          A.     I was invited to attend that  
11     meeting by Megan Schoppe, who was our  
12     special education department chair at the  
13     high school.

14          Q.     And explain for me -- you  
15     were the supervisor of special education  
16     and she was the special education  
17     department chair.

18                   What's the difference in  
19     those roles?

20          A.     So the special education  
21     department chair is really kind of just  
22     the point person for the special  
23     education department at the high school.  
24     They do a lot of support for

1     paraprofessionals, kind of problem  
2     solving, answers questions for them and  
3     -- so they have general overview of many  
4     of the students at the high school that  
5     have disabilities and receive special  
6     education programming.

7             Q.     And how did you -- how was  
8     your role in relation to her? Like, did  
9     she answer to you, or how was that  
10    relationship?

11            A.     So I would have been the  
12    person that was able to make a decision  
13    based on programming that needed to be  
14    changed or adjusted. So we would work  
15    closely. She would come to me for ideas  
16    for, you know, students and how we could  
17    support them, and we would determine, you  
18    know, do we have need to have an IEP  
19    meeting and discuss all of this with the  
20    full team.

21            Q.     Okay. And in terms of  
22    special education, were you kind of the  
23    one making the final decisions on things  
24    in terms of special education students

1 and what they needed or curriculum that  
2 needed to -- like you just described  
3 needed to be changed?

4 A. So I would support in, yes,  
5 making a final decision, you know, in  
6 conjunction with the team around what  
7 programming would be best in order to  
8 address their specific needs.

9 Q. Did you have to get approval  
10 from somebody else, like the principal,  
11 for example, or was this something that  
12 you were able to make decisions on on  
13 your own?

14 A. I was able to make those  
15 decisions on my own.

16 Q. So Ms. Schoppe had asked you  
17 to sit in on this August 22nd IEP meeting  
18 with [REDACTED] [REDACTED]

19 Did she explain to you why  
20 she wanted you included in the meeting?

21 A. So I knew that she had  
22 shared that [REDACTED] would be coming to the  
23 high school full-time from North Montco  
24 Technical Career Center where she

1 attended full-time the previous school  
2 year. And I did know based on what Megan  
3 had shared with me that there was a  
4 meeting that happened in the spring that  
5 just was not a successful meeting.

6 North Montco made the  
7 recommendation that they wanted [REDACTED] to  
8 attend North Penn High School because  
9 they felt that she needed more emotional  
10 support programming. So we were going to  
11 be kind of discussing what that program  
12 would look like for her.

13 Q. Emotional support  
14 programming. What do you mean?

15 A. That would be, typically, a  
16 smaller class size where she would have  
17 been able to receive some of her major  
18 subjects with a cohort of students, that  
19 she would be learning the academic  
20 skills, but would also be learning  
21 self-regulation skills and coping  
22 strategies and things that really kind of  
23 aligned to her areas of need based on her  
24 disability.

1 Q. Is that -- would that be --  
2 would she be grouped in a -- is it a  
3 smaller cohort of students? Like, kids  
4 that are in special education kind of  
5 would get grouped together to work on  
6 academics as well as the emotional  
7 component of what they needed?

8 A. Yes. So that was the --  
9 what the discussion was going to be on  
10 August 22nd.

11 Q. Before this meeting on  
12 August 22nd, did you have any knowledge  
13 of the prior history with [REDACTED] and

14 [REDACTED] [REDACTED]

15 A. No.

16 Q. Do you know whether -- just  
17 from, like, conversations you may have  
18 had, do you know whether anybody else --  
19 like Ms. Schoppe or Pete Nicholson or  
20 anybody -- was aware prior to the August  
21 22nd meeting of the prior history between  
22 [REDACTED] and [REDACTED]

23 A. No.

24 Q. You don't know either way?

1           A.     I don't know.

2           Q.     In addition to Ms. Schoppe  
3     and you, was there anybody else that you  
4     knew that was supposed to be, like,  
5     attending this meeting from the district?

6           A.     Juliet Matje was also in  
7     attendance at that meeting, and she is a  
8     supervisor of special education.

9           Q.     What's the difference  
10    between Ms. Matje's role and your role if  
11    you're both supervisors of special  
12    education?

13          A.     So we both had the same  
14    responsibilities. However, she had been  
15    the previous supervisor at North Penn  
16    High School, but she was in the process  
17    of transitioning to support some of our  
18    elementary buildings.

19          Q.     Okay. When you say she was  
20    in the role previously at North Penn and  
21    was transitioning towards elementary, how  
22    was her role different than Sandy  
23    Sieminski's role that you were coming in  
24    for?

1           A.     So, really, the supervisor  
2     of special education are district-wide  
3     employees, so they support different  
4     buildings based on the number of students  
5     requiring special education services at  
6     those buildings.

7           Since Sandy was out on  
8     medical leave, there was some shuffling  
9     of supervisors. Some of them wanted the  
10    opportunity to supervise at the  
11    elementary level, and that is sort of how  
12    the opening at the high school was  
13    created.

14          Q.     Were you the only supervisor  
15    of special education at North Penn High  
16    School?

17          A.     No.

18          Q.     Who else held that role  
19    during that time frame, like the 2018  
20    school year?

21          A.     Ruth Desiderio.

22          Q.     How did the work get divided  
23    between you and Ms. Desiderio?

24          A.     So it was separated by



1 student last names. So I believe that I  
2 supervised all students A through I, and  
3 then she had the second half of the  
4 alphabet.

5 Q. Okay. So that's how you got  
6 matched with [REDACTED] [REDACTED]

7 A. Correct.

8 Q. And so anything that [REDACTED]  
9 needed that would have involved the  
10 supervisor of special education role,  
11 that would have been your responsibility;  
12 right?

13 A. Yes.

14 Q. Do you remember the August  
15 22nd meeting?

16 A. Yes, I remember having the  
17 meeting. I don't remember all of the  
18 details of the meeting.

19 Q. Okay. Tell me what you do  
20 remember.

21 A. So I remember [REDACTED] being  
22 present, Mrs. [REDACTED] myself, Mrs.  
23 Schoppe, and Mrs. Matje. I do remember  
24 discussing [REDACTED] return to the high

1 school from North Montco Technical Career  
2 Center. I remember Mrs. [REDACTED]  
3 sharing that they would have preferred  
4 for her to stay at North Montco, but they  
5 understood that the team there felt she  
6 needed more emotional support.

7 So we discussed some of the  
8 options for the emotional support classes  
9 that she would be able to take, and then  
10 we talked about, you know, some things  
11 that she was interested in.

12 I know -- remember [REDACTED]  
13 being really excited about -- she shared  
14 that she loves riding horses, and we  
15 talked about how there was an equestrian  
16 club at North Penn, and I know that that  
17 was something she shared that she would  
18 be interested in.

19 And then Mrs. [REDACTED]  
20 shared that there was an incident that  
21 had happened between [REDACTED] and a student  
22 by the name of [REDACTED] and that they were  
23 not to be in classes together or come in  
24 contact with each other.

1                   And she shared that [REDACTED]  
2       really has a lot of trust issues with  
3       adults and with teachers, and that she  
4       preferred that only essential personnel  
5       be aware that the two students not come  
6       in contact with each other.

7                   Q.     Did she explain to you why  
8       she said that she only wanted essential  
9       personnel to be aware that the two  
10      students not come in contact with each  
11      other?

12                  A.     She had shared that, you  
13      know, she felt that [REDACTED] had had to  
14      make a lot of accommodations due to the  
15      incident that she had with this student,  
16      and that she wanted her to have, you  
17      know, as normal a transition into high  
18      school as possible, and that she knew  
19      that there was those trust issues between  
20      [REDACTED] and adults and teachers.

21                  Q.     When Mrs. [REDACTED] told  
22      you that [REDACTED] had to make a lot of  
23      accommodations, did she explain to you at  
24      the time what she meant by that?

1           A.     I don't remember.

2           Q.     Based on your Title IX  
3     training up to that point, had you -- did  
4     you have an understanding of, after a  
5     Title IX-type incident, who should be  
6     making accommodations?

7           A.     I would believe that it  
8     would be our Title IX coordinator within  
9     the district.

10          Q.     I guess let me clarify my  
11     question.

12                     When I say who should be  
13     making the accommodations, I mean, like,  
14     which student. Like, if it involved two  
15     students, like a victim and somebody who  
16     had allegedly assaulted somebody, did you  
17     have an understanding based on your  
18     training and experience at that point who  
19     should be the one making the  
20     accommodations?

21          A.     No.

22          Q.     As you sit here today, do  
23     you have an understanding of that?

24          A.     No.

1 Q. And I guess I should ask --  
2 no. I'll go back to that later. Sorry.

3 When Mrs. [REDACTED] was  
4 explaining to you the stuff about the  
5 prior incident, was [REDACTED] there as well?

6 A. Yes.

7 Q. Did [REDACTED] say anything to  
8 add to anything that Mrs. [REDACTED] was  
9 saying?

10 A. Not that I can remember, no.

11 Q. Do you remember what the --  
12 did Mrs. [REDACTED] explain what the  
13 incident involved?

14 A. I don't remember. I don't  
15 believe that she did.

16 Q. Did you have an  
17 understanding at that time whether the  
18 incident involved sexual harassment or  
19 sexual assault?

20 A. No.

21 Q. You did not have an  
22 understanding of that?

23 A. No. It was not something  
24 that I remember us discussing in that

1 meeting.

2 Q. What type of incident did  
3 you understand had happened between  
4 [REDACTED] and [REDACTED]

5 A. I don't know because I don't  
6 remember that we discussed that  
7 specifically.

8 Q. Mrs. [REDACTED] just told  
9 you that they couldn't be around each  
10 other?

11 A. She definitely made it clear  
12 that they were not to be in the same  
13 classes with each other or to come in  
14 contact with each other, but that, you  
15 know, she really wanted that to be just  
16 something that essential personnel was  
17 aware of because of the trust issues and,  
18 you know, wanting [REDACTED] to have a normal  
19 experience in high school.

20 Q. Did you understand at that  
21 meeting why they needed to be separated?

22 A. No.

23 Q. Do you recall anybody asking  
24 Mrs. [REDACTED] why these two kids --

1       why she was so adamant that these two  
2       kids needed to be kept separate?

3               A.       I don't remember.

4               Q.       Had you ever been in a  
5       situation before where a parent had come  
6       to you and insisted that their child and  
7       another student be kept apart?

8               A.       No.

9               Q.       Do you believe you would  
10      have -- I know it's difficult to remember  
11      now -- you don't remember specifically --  
12      but do you think that you would have  
13      asked her why these two students needed  
14      to be kept apart?

15              A.       I don't remember. What I  
16      can say is that I remember this being,  
17      you know, a short portion of the  
18      discussion in our meeting. I remember  
19      most of our conversation being around  
20      that specific special education  
21      programming in terms of the emotional  
22      support courses, but I don't remember  
23      talking about this at length.

24              Q.       When you say that Mrs.

1       [REDACTED] only wanted essential  
2       personnel to be aware of the fact that  
3       [REDACTED] needed to be kept separate from  
4       [REDACTED] or [REDACTED] needed to kept separate  
5       from [REDACTED] what did she mean by that?

6               A.       So my understanding was that  
7       she felt administrators within the  
8       building needed to be aware of that, but  
9       that not every teacher that [REDACTED] had  
10       needed to be aware.

11              Q.       Is that something she said  
12       to you, that not every teacher needed to  
13       be aware, or was that something that you  
14       interpreted?

15              A.       I believe that's something  
16       that we discussed.

17              Q.       When you say "we discussed,"  
18       what do you mean?

19              A.       The members that were  
20       participating in that meeting.

21              Q.       Do you know who it was that  
22       said that not every teacher needed to  
23       know?

24              A.       I am pretty certain that



1 Mrs. [REDACTED] shared that. She wanted  
2 to make sure that, you know, [REDACTED]  
3 didn't feel uncomfortable, like, with  
4 teachers knowing information about her.

5 Q. When you say that  
6 administrators needed to know, would that  
7 include Pete Nicholson, the principal?

8 A. Yes.

9 Q. Who was included in  
10 administrators that would have needed to  
11 know about that?

12 A. So when the meeting ended, I  
13 contacted Pete Nicholson, who was the  
14 principal, the building principal of  
15 North Penn High School; and then I also  
16 contacted Kyle Hassler, who was the  
17 assistant principal assigned to [REDACTED]  
18 through her home office.

19 Q. When you say "the assistant  
20 principal assigned to [REDACTED] was that  
21 broken down by last name as well?

22 A. It was.

23 Q. Okay. And so Kyle Hassler  
24 was the assistant principal that was for

1 the H for [REDACTED]

2 A. Yes.

3 Q. Okay. How many assistant  
4 principals were there in North Penn High  
5 School?

6 A. I believe six assistant  
7 principals. So there's two per home  
8 office, and the home offices are broken  
9 down 10th, 11th, and 12th grade students.

10 Q. Did you have an  
11 understanding in the 2018 school year  
12 about how many students were in the 10th  
13 grade at North Penn High School?

14 A. No, not a number that I know  
15 off the top of my head.

16 Q. Is it something you can  
17 estimate? Like, was it a hundred or 200?

18 A. Approximately a thousand  
19 students.

20 Q. Just in the 10th grade?

21 A. Yes.

22 Q. And for your role as a  
23 special education supervisor, were you  
24 just responsible for kids that were in

1 the special education program out of  
2 those 10th grade students?

3 A. Yes.

4 Q. Do you have an estimate of  
5 about how many kids were under your case,  
6 because I understand you were just under  
7 A through I?

8 A. In my -- I would say  
9 approximately 300 students that were in  
10 10th, 11th, and 12th grade.

11 Q. Are you able to estimate for  
12 me how many of those 300 students were in  
13 10th grade?

14 A. I don't know.

15 Q. Do you know whether it was  
16 equal or whether there was a big  
17 disparity between the 10th grade, 11th  
18 grade, and 12th grade caseload?

19 A. It's typically relatively  
20 equal.

21 Q. You said after this August  
22 22nd meeting -- I guess during that  
23 meeting with Mrs. [REDACTED] and Ms.  
24 Schoppe and Ms. Matje, did you have any

1 discussion about what would be done to  
2 keep [REDACTED] away from [REDACTED]

3 A. We did. So we shared that  
4 we would be able to check her schedule to  
5 make sure that they were not scheduled  
6 into the same courses. Mrs. Schoppe  
7 shared that she would meet with [REDACTED]  
8 when the year began to kind of develop a  
9 route for her with sort of, like, safe  
10 points along the way that if she were to  
11 see the student in the hallway, she would  
12 have somewhere to go.

13 And then we had discussed  
14 that [REDACTED] and [REDACTED] by nature of the  
15 programs that they were both enrolled in  
16 at North Montco Technical Career Center,  
17 would transition from North Penn High  
18 School to the North Montco Technical  
19 Career Center at the same time during the  
20 day. Students leave from the cafeteria  
21 and walk to North Montco Technical Career  
22 Center. And Mrs. Schoppe shared that  
23 security is present during that  
24 transition or that walk.

1 Q. Why did she share that  
2 security is present during the walk?

3 A. Just, I think, to make it  
4 known that it's, like, students are  
5 leaving the building and walking to  
6 another building unsupervised.

7 Q. Was security -- as a result  
8 of these conversations you're having on  
9 the 22nd of August, was security going to  
10 be made aware of the issue between [REDACTED]  
11 and [REDACTED]

12 A. I believe so.

13 Q. Okay. And do you have an  
14 understanding of what security's role was  
15 going to be for that?

16 A. I think Mrs. [REDACTED] was  
17 comfortable with just knowing that there  
18 would be somebody there and that the  
19 students were not going to be  
20 unsupervised.

21 Q. Okay. But I mean for the  
22 security knowing, what was the security  
23 to be told or --

24 A. We did not discuss that at

1 the meeting.

2 Q. Was that discussed at a  
3 later point of what security was going to  
4 be told about the situation?

5 A. Not that I was involved in.

6 Q. Okay. Do you know whether a  
7 conversation like that did take place  
8 that you found out about later, or just  
9 weren't part of that conversation?

10 A. I don't know.

11 Q. Is there anything else? You  
12 mentioned check the schedule to make sure  
13 they're not in the same courses, Mrs.  
14 Schoppe would meet with [REDACTED] at the  
15 start of school to come up with a route  
16 for her, and that security would be  
17 notified about the separation between the  
18 two of them so when they walked to the  
19 tech school, that they'd be aware.

20 Is there anything else?

21 A. I know that Mrs. Schoppe  
22 shared that she would check in with  
23 [REDACTED] a number of times throughout the  
24 first semester.

1           Q.     The suggestion to check the  
2     schedule to make sure that they're not in  
3     the same courses, whose idea was that?  
4     Where did that come from?

5           A.     I think that may have been  
6     Megan Schoppe who said that that was  
7     something that we could do, and then I  
8     was the one that did check the schedules.

9           Q.     Okay. Had you ever heard of  
10    the ability to, like, check schedules and  
11    making sure two kids weren't in the same  
12    class together? Had you ever experienced  
13    that before?

14          A.     I had not experienced it  
15    before, but I had heard of it before.

16          Q.     How did you hear about it  
17    before?

18          A.     Just through conversations.  
19    I knew how to go into the system and to  
20    be able to check a student's schedule.

21          Q.     How?

22          A.     I think --

23          Q.     Sorry.

24          A.     I think that that was

1 something that Ruth Desiderio, who was  
2 another supervisor of special education,  
3 had showed me how to do once we started  
4 participating in IEP meetings.

5 Q. Okay. Was it just kind of  
6 an on-the-fly thing that Ms. Desiderio  
7 had shown you, or did something come up  
8 that you had to check schedules for?

9 MS. JORDAN: Note my  
10 objection to the form.

11 You can answer.

12 THE WITNESS: I think her  
13 and I had a number days together  
14 where I sort of shadowed her, and  
15 I think that was part of the  
16 shadowing process is she pulled up  
17 our student information system and  
18 kind of showed me where the  
19 schedules are housed and how to  
20 pull up a student's schedule.

21 BY MS. LAUGHLIN:

22 Q. So she was showing you how  
23 to view a student schedule. Did she  
24 explain for you how to, like -- or I



1       guess let me ask this: Was the  
2       crosschecking of schedules, meaning that  
3       you were pulling up Student A's schedule  
4       and then pulling up Student B's schedule  
5       and being able to look at them to see the  
6       comparison, is that what you meant?

7               A.       When she really showed me  
8       the system, she was just showing me how  
9       to pull up one student schedule so that I  
10      would know where to locate that if I  
11      needed to look a student's schedule or be  
12      able to check what their courses were.

13              Q.       Okay. So when you were  
14      talking about you knew how to check the  
15      schedules to make sure they were not in  
16      the same courses, that's what you meant,  
17      like, literally pulling up [REDACTED]  
18      schedule and then pulling up [REDACTED]  
19      schedule to take look at the schedules?

20              A.       Yes.

21              Q.       Is there anything that you  
22      had ever been trained on regarding, like,  
23      crosschecking student schedules, or is  
24      that the only thing that you really knew

1       how to do?

2                       MS. JORDAN:  Note my  
3                       objection to the form of the  
4                       question.

5                       You can answer.

6                       THE WITNESS:  No, I had not  
7                       had any other training on that.

8       BY MS. LAUGHLIN:

9                       Q.       Okay.  Like, for example,  
10                      later on, you were able to have a tech  
11                      person put in an alert in the schedule.  
12                      Do you know what I'm talking about?

13                     A.       Yes.

14                     Q.       That was not something --  
15                      were you aware after the August 22nd  
16                      meeting that that was even something  
17                      available to you?

18                     A.       I was not.

19                     Q.       How did you find out that  
20                      that's something that could have been  
21                      done?

22                     A.       So after the incident  
23                      happened in October with [REDACTED] and she  
24                      was transitioning over to the tech school

1 full-time, as a part of that process, I  
2 worked closely with our director of  
3 special education, and her and I in  
4 conversation -- she had mentioned that,  
5 you know, in her former district, they  
6 were able to put alerts in student  
7 profiles, so that we should contact  
8 technology to see if that was something  
9 that we could do for [REDACTED]

10 Q. And that was Ms. Matje?

11 A. No. That was Dr. Ann Marie  
12 Lucas, who was our director of special  
13 education at that time.

14 Q. And was she -- Dr. Ann Marie  
15 Lucas, was she at North Penn High School,  
16 or did she work, like, directly just  
17 through the district?

18 A. She works through the  
19 district.

20 Q. And do you know whether,  
21 like, part of her responsibility was  
22 also, like, the director of education at  
23 North Penn School -- or I'm sorry --  
24 North Penn High School as well?

1           A.     As the director, you work  
2     closely with the team of supervisors and  
3     you ultimately are available to all of  
4     the buildings within the district.

5           Q.     From your understanding,  
6     afterwards when this had been explained  
7     to you by Dr. Lucas and then you talked  
8     to the tech at North Penn High School,  
9     was the alert something that was  
10    available to you at the time of August  
11    22nd?

12          A.     No.    So I was a  
13    district-level employee versus being  
14    somebody that was specific to North Penn  
15    High School, so I had very minimal  
16    abilities to go into our student  
17    information system and make any changes  
18    or adjustments on my own.

19                 So, for example, I was able  
20    to view a student's schedule, but I  
21    couldn't change a student's schedule or  
22    move them into different courses.    So I  
23    really -- I only had the ability to kind  
24    of view things in our student information

1 system.

2 Q. Because of the level that  
3 you were at in the administration, you  
4 mean?

5 MS. JORDAN: Note my  
6 objection to the form of the  
7 question.

8 You can answer.

9 THE WITNESS: I believe that  
10 it was just the building-level  
11 administration that would have  
12 access to be able to actually go  
13 in and make changes.

14 BY MS. LAUGHLIN:

15 Q. And who is that? What do  
16 you mean by "building-level  
17 administration"?

18 A. Like, the principal and the  
19 assistant principals within the  
20 buildings.

21 Q. Okay. But as far as you  
22 knew -- like, for example, the technology  
23 of being able to put an alert on  
24 somebody's student profile, that wasn't

1 something that, like, they -- like, the  
2 tech people had, like, purchased and then  
3 implemented? Like, that was something  
4 that if you had the level that you  
5 needed, like the principal, it was  
6 something that could have been  
7 implemented at the time; is that correct?

8 MS. JORDAN: Note my  
9 objection to the form of the  
10 question.

11 You can answer.

12 THE WITNESS: I don't know.

13 BY MS. LAUGHLIN:

14 Q. Okay. How did it come to be  
15 that you were going to be the one to  
16 check the schedules?

17 A. I believe because I was the  
18 LEA in the meeting. So it just sort of  
19 naturally -- in conversation when we sort  
20 of talked through what the next steps  
21 would be, I had shared that I would check  
22 the schedule and communicate to Pete, the  
23 principal, and Kyle Hassler, the  
24 assistant principal.

1           Q.     You used the phrase "LEA."  
2     What does that stand for?

3           A.     I'm blanking right now.  
4     Local education -- I can't remember what  
5     the "A" is.

6                     But in that role, you have  
7     the ability to make decisions about  
8     district resources and how they can be  
9     used.

10          Q.     Okay.  So is that like a  
11     role in addition to the supervisor of  
12     special education position that you held?

13          A.     No.  Just through being a  
14     supervisor of special education, it's --  
15     I'm sorry.  It stands for Local Education  
16     Agency.

17                    So in that meeting, I was  
18     acting as a representative for the LEA,  
19     and that's just something as an  
20     administrator you have the ability to do.

21          Q.     And is the LEA like a  
22     representative of the district, then?

23          A.     Yes.

24          Q.     Okay.  You said that after

1       this -- at the end of this meeting, did  
2       you or Ms. Schoppe or Ms. Matja make any  
3       representation to -- or promises to Mrs.  
4       [REDACTED] and [REDACTED]

5                       MS. JORDAN: Note my  
6       objection to the form of the  
7       question.

8                       You can answer.

9                       THE WITNESS: What we shared  
10      was what we kind of discussed at  
11      the meeting, which would be  
12      checking the schedule, mapping out  
13      that route, and then communicating  
14      to the principal and assistant  
15      principal.

16      BY MS. LAUGHLIN:

17                      Q.       Did you or Ms. Schoppe or  
18      Ms. Matje tell [REDACTED] and her mother that  
19      [REDACTED] and [REDACTED] would be kept separate  
20      at school?

21                      A.       I don't remember that that  
22      would have been said specifically, but I  
23      think that that was the general  
24      understanding based on the steps that we



1       had talked about.

2               Q.       And that would have included  
3       to not have them in the same classes?

4               A.       Correct.

5               Q.       You said that after the  
6       meeting, you contacted Pete Nicholson.  
7       How did you do that?

8               A.       I called him on the phone.

9               Q.       Like, the building phone or,  
10       like, his cellphone?

11              A.       The building phone.

12              Q.       Okay. And was it the same  
13       day, like, after this meeting that you  
14       called him?

15              A.       Yes. I'm pretty certain  
16       that he and I talked within the same  
17       school day.

18              Q.       Okay. Meaning the same  
19       school day as this August 22nd meeting?

20              A.       Yes.

21              Q.       Okay. And you called him on  
22       the phone.

23                      Can you -- do you remember  
24       what the conversation consisted of?

1           A.     I believe that I just kind  
2 of summarized the meeting for him and  
3 told him that I would check [REDACTED] and  
4 [REDACTED] schedules.

5           Q.     So as a result of this phone  
6 call with Pete Nicholson, did you tell  
7 him that [REDACTED] and [REDACTED] needed to be  
8 kept apart?

9           A.     Yes.

10          Q.     Did you tell him that it was  
11 for [REDACTED] safety that the two be kept  
12 apart?

13          A.     No, I don't think that I  
14 said that.

15          Q.     Okay. Did you give him --  
16 did he ask you why the two students  
17 needed to be kept apart?

18          A.     I remember sharing with him  
19 that her mom had communicated that there  
20 was an incident that happened between  
21 these two students, and I also remember  
22 sharing with him that Mrs. [REDACTED]  
23 wanted to make sure that, you know,  
24 essential personnel was aware of this

1 situation.

2 Q. Okay. And what did  
3 Principal Nicholson say in response to  
4 you telling him that?

5 A. I don't remember.

6 Q. Do you know whether he asked  
7 you any questions about the incident that  
8 you had described to him?

9 A. I don't remember.

10 Q. Did you know -- this  
11 incident that occurred between [REDACTED] and  
12 [REDACTED] that Mrs. [REDACTED] told you  
13 about, do you know whether that occurred,  
14 like, at school previously, or any  
15 details into the incident?

16 A. I don't know that I knew  
17 that information at that time. I'm  
18 pretty certain that I did not know that.  
19 I've heard since just through reading the  
20 lawsuit, that this was something that had  
21 happened at school.

22 Q. Okay. Reading the lawsuit  
23 meaning, like, the complaint that [REDACTED]  
24 filed in this case?

1                   A.       Yes.

2                   Q.       How did you come to read  
3       that?

4                   A.       I just saw that it had been  
5       -- I guess it became public and was part  
6       of a news report. So that I saw that. I  
7       saw the document that way.

8                   Q.       Okay. How did you -- was it  
9       just something you were happening to be  
10      scrolling the news, or did somebody send  
11      it to you? How did you get that  
12      document?

13                  A.       No. I think I just -- North  
14      Penn Now is a news source that I  
15      typically look at. So I had seen that  
16      there was a lawsuit that was filed, and  
17      then that's when I was able to read the  
18      document.

19                  Q.       When you read the  
20      document -- I mean, it was under Jane  
21      Doe. Did you know at the time you were  
22      reading it that it was [REDACTED]

23      [REDACTED]

24                  A.       I was able to figure that

1 out when I read the section about, you  
2 know, there being a meeting that had  
3 happened in August, that I knew my name  
4 was in there that I was a part of, yes.

5 Q. After reading that online,  
6 did you have any conversations with  
7 anybody about it?

8 A. I don't believe so. I know  
9 I talked with my husband about it, but I  
10 don't remember talking about that with  
11 district employees.

12 Actually, I did have a  
13 conversation with Dr. Bauer, our  
14 assistant superintendent. I just  
15 remember calling him and saying that I  
16 had seen this and just asked him if, you  
17 know, there was anything that I needed to  
18 know.

19 Q. And what did Dr. Bauer say?

20 A. He said that, no, that our  
21 district attorneys were working through  
22 this process, and that if I needed to be  
23 involved in that, that they would reach  
24 out to me.

1           Q.     Did you have any discussion  
2     with Dr. Bauer about, like, the substance  
3     of it, about, like, what had happened or  
4     anything like that?

5           A.     No, not at that time.

6           Q.     Was there another time that  
7     you had a conversation with Dr. Bauer  
8     about what had happened?

9           A.     I believe that after [REDACTED]  
10    had come forward to say that she had been  
11    assaulted in October of her sophomore  
12    year, I spoke with him briefly, and he  
13    had just asked me some questions about  
14    the schedule.

15          Q.     Okay. Like, [REDACTED]'s, like,  
16    class schedule?

17          A.     Yes.

18          Q.     Okay. And we'll get into  
19    that a bit later.

20                 So you're on the phone with  
21    him, with Pete Nicholson, and what was  
22    the purpose of you having this call with  
23    him? Like, why did you call him?

24          A.     Because at the meeting, we

1 had, you know, discussed how this would  
2 be communicated to essential personnel.  
3 So I felt that I needed to share this  
4 information with him being the building  
5 principal and with Kyle Hassler as the  
6 assistant principal of [REDACTED] home  
7 office.

8 Q. Why did you feel that the  
9 principal and the assistant principal  
10 needed to be the ones to be made aware?

11 A. I think, to me, that is  
12 really kind of, in my mind, who's  
13 essential in terms of the inner workings  
14 of the building, and I felt like that was  
15 definitely information that both of them  
16 needed to have.

17 Q. Okay. So you explained that  
18 an incident happened between [REDACTED] and  
19 [REDACTED] and then you told Principal  
20 Nicholson that you were going to check  
21 the schedules?

22 A. Yes.

23 Q. To make sure that [REDACTED] and  
24 [REDACTED] weren't in the same class

1       together; right?

2               A.       Correct.

3               Q.       Was there any discussion  
4       about how that was going to be done with  
5       Mr. Nicholson?

6               A.       Not that I remember, no.

7               Q.       Did you explain to him,  
8       like, how you were going to do that?

9               A.       No.

10              Q.       Is there anything you can  
11       recall Principal Nicholson saying to you  
12       about the information that you had told  
13       him?

14              A.       I really do not remember,  
15       no.

16              Q.       Is there anything else about  
17       that -- did Mr. Nicholson say that he was  
18       going to do anything as a result of the  
19       information that you gave him?

20              A.       Not that I remember. I do  
21       remember him just confirming that I was  
22       going to check the schedules.

23              Q.       Okay. The conversation you  
24       had with Mr. Nicholson on the phone, was



1       that put into writing or summarized in  
2       writing at all?

3               A.       No.

4               Q.       The conversation you had  
5       with Mr. Hassler, was that also by phone?

6               A.       It was, yes.

7               Q.       What do you remember about  
8       that conversation?

9               A.       Very similar. I remember  
10       calling him letting him know that this  
11       IEP meeting had happened, that we had two  
12       students that were not able to be in the  
13       same classes together, and that they were  
14       not able to come in contact with one  
15       another. And I shared with him, and I  
16       believe that I also shared with Pete who  
17       was part of the meeting. And then I had  
18       told Kyle that I would check the student  
19       schedules.

20              Q.       So based on your  
21       conversation, you would agree with me  
22       that Mr. Hassler was also aware of the  
23       fact that [REDACTED] and [REDACTED] needed to be  
24       kept apart; is that right?

1 A. Yes.

2 Q. Following this August 22nd  
3 meeting, was there any other  
4 conversations that you had with anybody  
5 else involving the need for [REDACTED] and  
6 [REDACTED] to be kept apart?

7 A. No.

8 Q. Were you familiar at this  
9 point with who [REDACTED] [REDACTED] was?

10 A. No.

11 Q. Do you know whether Ms.  
12 Schoppe or Mr. Matje had any familiarity  
13 with Mr. [REDACTED]

14 A. I don't know.

15 Q. What happened after you had  
16 the two telephone calls, one with Mr.  
17 Nicholson and one with Mr. Hassler?

18 A. I know that I had a number  
19 of other meetings that day, so I believe  
20 that I was just, you know, kind of  
21 carrying on with my schedule in terms of  
22 meetings that I had on my calendar for  
23 that day.

24 Q. Okay. After you made those

1 two phone calls and had the meeting with  
2 [REDACTED] and her mom and the other school  
3 district employees, that was the last  
4 thing that you did that day regarding  
5 [REDACTED] is that right?

6 A. Yes.

7 Q. Okay. Did you eventually  
8 check the schedules?

9 A. I did.

10 Q. When did you do that?

11 A. I can estimate that -- I'm  
12 relatively certain just kind of based on,  
13 you know, things that I had plugged into  
14 my calendar that I had checked her  
15 schedule the following -- or the  
16 following day. So it would have been the  
17 day after the schedule change was  
18 submitted and the meeting had taken  
19 place.

20 Q. What do you mean, "the  
21 schedule change was submitted"?

22 A. At the meeting, I know that  
23 Megan Schoppe took notes on those  
24 emotional support classes that we needed

1       ██████ to be part of, and she -- there  
2       was one course that she was recommending,  
3       and that was submitted to the scheduling  
4       office.

5               Q.       So is there a specific  
6       scheduling office that, I guess,  
7       schedules the students in particular  
8       courses?

9               A.       Yes.

10              Q.       And is that -- the  
11       scheduling office, is that, like, at  
12       North Penn High School?

13              A.       Yes.

14              Q.       Are there multiple people  
15       that work in the scheduling office?

16              A.       I do not know.

17              Q.       At that time, had you ever  
18       received any kind of, like, training or  
19       instruction on this scheduling office,  
20       like what they do, who it is, where they  
21       are, anything like that?

22              A.       No. I knew where it was  
23       located, and I believe I had met the  
24       woman who -- at least one of the people

1       that worked in the scheduling office just  
2       when I was kind of brought in and toured  
3       the building. I can't remember her name.  
4       But I did know where the scheduling  
5       office was located.

6               Q.       Okay. And so -- so based on  
7       [REDACTED] needing to be in certain, like,  
8       emotional support-type classes, she  
9       needed a schedule change; right?

10              A.       Yes.

11              Q.       And how did -- it was going  
12       to take place, it sounds like, on August  
13       23rd, the following day from what you  
14       told me.

15                      How did that happen?

16              A.       I don't know. I do believe  
17       that August 23rd was the date that I  
18       likely checked the schedule, but I don't  
19       know the process behind the actual --  
20       like, what goes into changing the  
21       schedule.

22              Q.       Whose responsibility was it  
23       or whose task was it to get [REDACTED]  
24       schedule changed that she had the

1 emotional support classes she needed?

2 A. After our conversation at  
3 the IEP meeting, Megan took her notes to  
4 the scheduling office about the course  
5 that she would need to be scheduled into.

6 Q. Okay. So from your  
7 understanding, [REDACTED] was -- that was  
8 done -- that change was done on the 22nd?

9 A. Yes. That was my  
10 understanding.

11 Q. Okay. And then on the 23rd,  
12 you -- was it at your own desk -- pulled  
13 up [REDACTED] schedule and [REDACTED]  
14 schedule?

15 A. Yes. I remember being at  
16 the ESC Building which is, you know, our  
17 district office, and I have an office  
18 space -- had an office space there as  
19 well. And I remember pulling up student  
20 schedules.

21 I believe that I printed  
22 either one or both of those schedules to  
23 crosscheck them.

24 Q. So you had one, like,

1 printed out and then the other one on  
2 your screen so you could look to see if  
3 the classes were the same?

4 A. Yes.

5 Q. Okay. Once you did that and  
6 you checked them on August 23rd, I assume  
7 at that point there was no overlap; is  
8 that right?

9 A. Correct.

10 Q. Okay. And so what happened  
11 after that, after you crosschecked the  
12 schedules, saw there was no overlap? Did  
13 you report to anybody or do anything?

14 A. So I did share with Megan  
15 Schoppe and Kyle Hassler that I had  
16 checked the student schedules.

17 Q. How did you do that? By  
18 phone or by email?

19 A. I believe that was through  
20 email.

21 Q. And that would have been,  
22 like, on the same day?

23 A. I was actually out -- and I  
24 know this, you know, by looking back in

1 my calendar. I was out on the 24th for a  
2 personal day, and I believe that I  
3 emailed both of them when I returned that  
4 Monday, which the date I -- 27th, I  
5 believe.

6 Q. Was there any other  
7 discussion between Mr. Hassler or Ms.  
8 Schoppe or Mr. Nicholson about checking  
9 the schedules?

10 A. No, not that I remember.

11 Q. Was that something that, as  
12 far as you know, Principal Nicholson and  
13 Mr. Hassler were kind of tasking you --  
14 relying on you to do?

15 A. Yes. Yeah, I had  
16 communicated to them that I would be the  
17 one to check the schedules.

18 Q. Okay. And they were okay  
19 with that?

20 A. Yes.

21 Q. Did either of them give you  
22 any kind of instruction as to how that  
23 could be done or should be done?

24 A. No.



1           Q.     How did you come up with  
2     that being the process, that you would  
3     pull up the one schedule and then pull up  
4     the other schedule and then look at them  
5     both?

6           A.     I knew that I wanted to be  
7     able to see both schedules at the same  
8     time, and I think that that was sort of  
9     the way that I felt most comfortable  
10    doing that.

11          Q.     Okay.  Do you know  
12    when school started that year, when the  
13    students came back?

14          A.     So I believe that the first  
15    day of school was either the 28th or the  
16    29th.

17          Q.     Okay.  After you checked the  
18    schedules on the 24th and nothing had  
19    overlapped, what was your plan in between  
20    then and when school started to ensure  
21    that the schedules didn't change?

22          A.     I did not really think of  
23    that.  I knew that I had checked the  
24    schedules and that that was, you know,

1 something that I had taken the time to  
2 do.

3 Q. Did you have an  
4 understanding at that point that  
5 schedules could be changed between the  
6 24th and prior to the start of the school  
7 year?

8 A. Yes, I knew that student  
9 schedules were changing, but it was not  
10 something that I -- that I thought of in  
11 relation to [REDACTED] I knew that the  
12 schedule change had been submitted, and I  
13 thought that that would be, you know, her  
14 finalized schedule.

15 Q. What about in terms of  
16 [REDACTED] schedule? Did you have any --  
17 did you consider, like, if his schedule  
18 changed before the start of the school  
19 year?

20 A. No.

21 Q. Was there anything -- did it  
22 ever cross your mind to change the  
23 schedule -- or sorry -- to check the  
24 schedule between the 24th and prior to

1 the start of school?

2 A. No.

3 Q. Did anybody else, whether it  
4 was Pete Nicholson or Mr. Hassler -- did  
5 they discuss with you about checking the  
6 schedule prior to the start of the school  
7 year after the 24th?

8 A. No.

9 Q. When you communicated with  
10 Mr. Hassler that you had checked the  
11 schedule -- and you said you did that  
12 when you returned on the 27th -- did you  
13 tell them when you had checked it?

14 A. No, I don't believe so.

15 Q. Do you know whether  
16 Principal Nicholson was aware that you  
17 had checked the schedule, whether that  
18 had been communicated to him?

19 A. I don't -- I don't know.

20 Q. You weren't the one to  
21 communicate that to him; is that right?

22 A. Correct.

23 Q. Why did you only go to Mr.  
24 Hassler and not to Mr. Nicholson?

1           A.     Because as [REDACTED] home  
2     office assistant principal, he really  
3     would have been the more direct point of  
4     contact for overseeing [REDACTED]  
5     day-to-day. So I really kind of  
6     continued my communications with Kyle  
7     after I had made sure that Pete was aware  
8     that these were the steps that we were  
9     going to take.

10           Q.     When you talked to Mr.  
11     Hassler and Mr. Nicholson about this was  
12     your plan to ensure that the two  
13     schedules would not overlap, did either  
14     of them say anything to you about other  
15     measures that could be taken to prevent  
16     that from happening?

17           A.     No, not that I remember.

18           Q.     They both agreed with your  
19     plan to just check the schedules?

20           A.     I believe so, yes.

21           Q.     Would you agree with me that  
22     prior to the start of the school year,  
23     like between August 24th and when  
24     students are starting the 28th or the

1       29th, it was common for students to  
2       sometimes change their schedules?

3                   MS. JORDAN: Note my  
4                   objection to the form of the  
5                   question.

6                   You can answer.

7                   THE WITNESS: I don't know  
8                   whether that is a common thing or  
9                   not.

10       BY MS. LAUGHLIN:

11               Q.       Were you aware of any drop  
12       or add period that would take place  
13       before the start of a school year?

14               A.       Yes.

15               Q.       How are you aware of that?

16               A.       Just from hearing that that  
17       was a process in place at the high  
18       school.

19               Q.       Why didn't you -- if you  
20       knew that there was a drop/add period  
21       where kids could be dropping classes,  
22       adding classes, changing classes, why  
23       didn't you check the schedule again?

24               A.       I don't think that I

1 realized that there would have been any  
2 change beyond when that schedule change  
3 was submitted. It was just something  
4 that I knew that I had checked the  
5 schedules, and I didn't think to do that  
6 again.

7 Q. But you knew that that was a  
8 possibility that schedules could change.  
9 That was -- you were aware of that;  
10 right?

11 MS. JORDAN: Note my  
12 objection.

13 You can answer.

14 THE WITNESS: I was aware  
15 that there was a drop/add period,  
16 yes.

17 BY MS. LAUGHLIN:

18 Q. And since you were aware  
19 that there was a drop/add period, you  
20 also would have been aware that [REDACTED]  
21 schedule could have changed during that  
22 time; right?

23 MS. JORDAN: Note my  
24 objection to the form of the

1 question.

2 You can answer.

3 THE WITNESS: I -- I'm not  
4 quite sure how to answer that  
5 because I think [REDACTED] schedule  
6 likely would have changed through  
7 an IEP process just given the  
8 nature of her special education  
9 courses that she was taking.

10 BY MS. LAUGHLIN:

11 Q. And when you say "changed  
12 through an IEP process," what do you  
13 mean?

14 A. So when it comes to a  
15 student who's receiving special education  
16 services, typically, you know, we have  
17 our Penn data that we look at, which is  
18 the percentage of their day that they're  
19 in special education programming versus  
20 general education programming.

21 So in [REDACTED] case, we held  
22 the IEP meeting to be able to discuss the  
23 courses that she would need because it  
24 would change the percentage of the day

1       that she is included in general education  
2       versus special education.

3               Q.       Okay.   So even a general  
4       education course for [REDACTED] would have  
5       had to go through, like, the IEP process  
6       to make another change to the schedule?

7               A.       I believe so.   If it was  
8       going to impact the percentage within her  
9       IEP, then yes.

10              Q.       Okay.   What about for  
11       [REDACTED] schedule?   You were aware that  
12       his schedule -- because he wasn't in,  
13       like, your special education group --  
14       that his schedule could change during the  
15       drop/add period; right?

16                      MS. JORDAN:   Note my  
17                      objection to the form of the  
18                      question.

19                      You can answer.

20                      THE WITNESS:   Yes, because I  
21                      was aware of the drop/add period.

22       BY MS. LAUGHLIN:

23               Q.       But you're saying you just  
24       didn't think to check again after you had



1 checked on the 24th; is that correct?

2 A. Correct.

3 Q. Prior to you checking  
4 schedules and being tasked with making  
5 sure that the two schedules didn't  
6 overlap, had you ever had an experience  
7 like that where you had to do something  
8 similar before?

9 A. No.

10 Q. Did you ever tell anybody  
11 when you were tasked with this that,  
12 like, hey, this is my first time, you  
13 know, doing this? Did you have that  
14 conversation with anybody?

15 A. I don't believe so.

16 Q. Did anybody ask you whether  
17 you needed any assistance in making sure  
18 that, you know, what you said you were  
19 going to do with making sure their  
20 schedules were separate actually got  
21 implemented?

22 A. I don't believe so.

23 Q. After you were told by Mrs.  
24 [REDACTED] that there had been a prior

1 incident between [REDACTED] and [REDACTED] did  
2 you try and do any kind of investigation  
3 as to what may have happened between the  
4 two of them in the past?

5 A. I did not.

6 Q. Why not?

7 MS. JORDAN: Note my  
8 objection to the form of the  
9 question.

10 You can answer.

11 THE WITNESS: To be honest,  
12 I think that it was kind of based  
13 on the way that we left things at  
14 the IEP meeting. It sounded like,  
15 you know, Mrs. [REDACTED] really  
16 wanted essential personnel to be  
17 aware that these two students  
18 needed to be kept apart. She  
19 wanted to maintain, you know, this  
20 normal high school experience for  
21 [REDACTED] as much as possible.

22 So based on that  
23 conversation and that meeting, at  
24 the time, I wasn't thinking that

1           this was something that really  
2           required me to look into it any  
3           further.

4       BY MS. LAUGHLIN:

5           Q.     That was, like, your own  
6           decision to not look into it any further,  
7           you mean?

8           A.     Yes.

9                   MS. JORDAN:  Note my  
10           objection to the form of the  
11           question.

12                   THE WITNESS:  Yes, just  
13           based on how the meeting went.

14       BY MS. LAUGHLIN:

15           Q.     Do you know whether Ms.  
16           Matje or Ms. Schoppe had ever looked into  
17           further what had been going on between  
18           ████████ and ██████████ previously?

19           A.     I don't know.

20           Q.     Based on the fact that you  
21           did not, like, look into further what had  
22           happened between ██████████ and ██████████ you  
23           weren't aware that ██████████ had been  
24           sexually assaulted by ██████████ in 6th

1 grade; is that correct?

2 A. Correct.

3 Q. Other than pulling up

4 [REDACTED] schedule, did you pull up

5 anything else in his file, like his

6 disciplinary history or anything like

7 that?

8 A. I did not.

9 Q. Now, you talked about you  
10 were responsible for the schedule check,  
11 but you also discussed that, at the  
12 meeting, Ms. Schoppe was going to work  
13 with [REDACTED] to develop a plan for her in  
14 terms of her route throughout the school?

15 A. Correct.

16 Q. Why was it focused on  
17 [REDACTED] route throughout the school  
18 versus the route for the other student,  
19 for [REDACTED]

20 A. I believe that this was  
21 because, you know, we were talking about  
22 something in order to support and help  
23 [REDACTED] So that's why she was the one  
24 that was going to have a route kind of

1 designed for her.

2 Q. Had you ever had anything  
3 prior to this that you had experienced  
4 where you're working with a family to  
5 develop, like, a route that a student  
6 would take in the school?

7 A. No.

8 Q. Had you ever heard of  
9 anything like this in your training up to  
10 this point from the district?

11 A. No.

12 Q. What about from your  
13 education?

14 A. Not that I remember.

15 Q. Other than checking the  
16 schedule, is there anything else that you  
17 did to try and ensure that they wouldn't  
18 end up in the same class together?

19 A. No.

20 Q. Did you talk to any of  
21 [REDACTED] teachers about it?

22 A. I did not.

23 Q. It's my understanding that  
24 [REDACTED] had a case supervisor, Lindsey

1 Riggin.

2 A. Yes.

3 Q. You were familiar with that?

4 A. Yes.

5 Q. Did you know Ms. Riggin  
6 prior to this?

7 A. I did not.

8 Q. At the start of the 2018  
9 school year, did you at some point, like,  
10 become familiar with Ms. Riggin as her  
11 being [REDACTED] case supervisor?

12 A. Yes. I believe that -- I  
13 can't remember if that was decided at the  
14 August 22nd meeting or very soon after  
15 that Lindsey would be her case manager  
16 for that school year.

17 Q. Prior to the start of the  
18 school year, Ms. Riggin was assigned as  
19 [REDACTED] case manager; right?

20 A. Yes.

21 Q. And what was Ms. Riggin's  
22 role as case manager, if you know?

23 A. She would ensure that [REDACTED]  
24 was getting the accommodations that she

1 would need to be successful in her  
2 courses that are outlined in her IEP.

3 Q. Okay. Did you tell Mrs.  
4 Riggin about the need for [REDACTED] to be  
5 kept away from [REDACTED]

6 A. I did not.

7 Q. Why didn't you?

8 A. I knew that Mrs. [REDACTED]  
9 had shared that she really wanted  
10 essential personnel to be aware of this.  
11 She did not feel that all of [REDACTED]  
12 teachers needed to know this information  
13 because she wanted [REDACTED] to be able to  
14 kind of build these trusting  
15 relationships with adults and she didn't  
16 want them to -- there to be a situation,  
17 I guess, where [REDACTED] may have felt  
18 judged.

19 So I communicated to Pete  
20 and to Kyle, and they were the two people  
21 that I shared this information with.

22 Q. Are you the one who decided  
23 who the essential personnel would be that  
24 would know about this information?

1           A.     In the meeting, I do  
2     remember saying that I would share this  
3     with Pete and with Kyle, and then I did  
4     have those conversations with both of  
5     them. To me, that was who I felt needed  
6     to know this.

7           Q.     So that was you who decided  
8     who the essential personnel was that  
9     needed to be told?

10          A.     In conjunction with the  
11     people that were in that meeting with me,  
12     yes. We kind of discussed who would --  
13     who we would share this with after the  
14     meeting ended.

15          Q.     Did you have a conversation  
16     with Mrs. [REDACTED] or [REDACTED]  
17     specifically as to who the essential  
18     personnel would be or should be?

19          A.     No.

20          Q.     What about with Ms. Schoppe  
21     and Ms. Matje? Did you have a specific  
22     conversation with them as to, like, who  
23     is defined as "essential personnel"?

24          A.     No.



1           Q.     Okay.  So that was your --  
2     like, you communicated that at the  
3     meeting, but that was your decision as to  
4     who the essential personnel would be that  
5     would be told about this?

6           A.     Yes.  Yeah, in conjunction  
7     with, you know, our conversation at the  
8     meeting and people at the table.  You  
9     know, nobody else really shared that  
10    anybody else would need to be made aware.

11          Q.     Since you knew that there  
12    was a specific scheduling office, did you  
13    consider going to the scheduling office  
14    to talk to them about what you were  
15    trying to accomplish in keeping the  
16    schedules separate?

17          A.     No.

18          Q.     You knew at the time that  
19    you were checking the schedules before  
20    the school year started that there was a  
21    scheduling office that was responsible  
22    for student schedules, right, at North  
23    Penn High School?

24          A.     Yes, I knew that that was

1 where Megan was going to submit the  
2 recommended change for [REDACTED] schedule.

3 Q. Did you just not, like,  
4 think that that was, like, an added step  
5 that could be done at the time? Like,  
6 you didn't think of it, I mean?

7 MS. JORDAN: Note my  
8 objection to the form of the  
9 question.

10 You can answer.

11 THE WITNESS: At that time,  
12 I felt confident with the ability  
13 to check the student schedules.  
14 So, no, I don't think that I  
15 thought of that.

16 BY MS. LAUGHLIN:

17 Q. There was some documentation  
18 in the documents that were provided by  
19 the district about you writing what had  
20 happened at -- sorry -- you wrote on a  
21 piece of paper about checking the  
22 schedules. Does that sound familiar to  
23 you?

24 A. I don't remember, or I don't

1 know.

2 Q. Okay. You don't remember,  
3 like, writing what you did on a piece of  
4 paper or anything and then, like, keeping  
5 it and not passing it along to somebody  
6 else?

7 A. I don't.

8 MS. LAUGHLIN: Why don't we  
9 take a break? I don't know.  
10 It's, like, lunchtime. I don't  
11 know if we need to take a longer  
12 break for lunch.

13 Oh, sorry. Off the record.  
14 Sorry.

15 THE VIDEOGRAPHER: We're off  
16 the record. The time is 12:03.

17 (Whereupon, a brief recess  
18 was held.)

19 THE VIDEOGRAPHER: We're  
20 back on the record. The time is  
21 12:12.

22 BY MS. LAUGHLIN:

23 Q. Ms. Small, we talked a lot  
24 about this meeting that you had on August

1 22nd and then the steps you took  
2 afterwards to try to ensure that [REDACTED]  
3 and [REDACTED] were not going to be in the  
4 same classes together.

5 Is there anything else, any  
6 other conversations you had or anything  
7 that you did prior to the start of school  
8 that we haven't already talked about?

9 A. I do know that when Kyle  
10 Hassler and I spoke, he shared that  
11 [REDACTED] was a student that he was going to  
12 check in with a couple times at the start  
13 of the year just to kind of follow up and  
14 see how she was transitioning.

15 Q. The fact that part of the  
16 discussion had been that [REDACTED] didn't  
17 trust teachers or had distrust with  
18 teachers, what was the plan to try to  
19 lessen that issue that was present?

20 A. I think that through some of  
21 the emotional support courses that she  
22 was enrolled in, that's definitely kind  
23 of a part of some of what they cover just  
24 with kind of coping skills and self

1 regulations and learning about  
2 relationships. And then I -- you know, I  
3 do know that Megan Schoppe recommended  
4 Lindsey Riggan as her case manager  
5 knowing that, you know, she felt she had  
6 a personality that [REDACTED] would be able  
7 to connect with.

8 Q. Okay. So for the first part  
9 of what you said, that's, like,  
10 throughout the course of the school year  
11 that they'd be working on?

12 A. Yes.

13 Q. Other than specifically  
14 selecting Lindsey Riggan as her case  
15 manager, do you know whether there was  
16 anything else put in place to try and  
17 make sure that [REDACTED] felt more  
18 comfortable or was more trusting of the  
19 people that she was to go to if there  
20 were any issues?

21 A. Just the check-ins that  
22 Megan Schoppe was going to do with her  
23 and that Kyle Hassler was going to have  
24 with her.

1           Q.     Were they on any kind of  
2     schedule, these check-ins, like how often  
3     or how it was going to happen or anything  
4     like that?

5           A.     I don't know.

6           Q.     As the supervisor of special  
7     education, did you have any  
8     responsibility in that, in how that would  
9     be implemented?

10          A.     No.

11          Q.     Whose responsibility --  
12     like, who was overseeing that?

13          A.     I believe Kyle and Megan  
14     both, just through our conversations.

15          Q.     I'm going to share my screen  
16     and show you some notes and ask you some  
17     questions about them.

18          A.     Okay.

19          Q.     Are you able to see my  
20     screen?

21          A.     Yes.

22          Q.     Okay. And let me know if  
23     it's, like, too small or you can't see  
24     the text as I go through it.

1 I have on here it's North  
2 Penn's production Bates Number 535.

3 And are these the notes that  
4 you were talking about seeing on your  
5 Google Drive?

6 A. Yes.

7 Q. Okay. And is it just this  
8 one page of notes?

9 A. Yes.

10 Q. Other than this one page of  
11 notes, is there anything else that you  
12 were referring to on the Google Drive  
13 that you had seen on there?

14 A. No.

15 Q. Okay. This was the only  
16 document that you were aware of?

17 A. Yes.

18 Q. Okay. And are these notes  
19 -- tell me how these notes came to be.  
20 Like, were you typing them up during the  
21 meeting, or how did you create these  
22 notes?

23 A. Yes, I was typing as the  
24 meeting was happening.

1           Q.     Was there anybody else that  
2     was typing as the meeting was ongoing?

3           A.     Yes.   Megan Schoppe and  
4     Juliet Matje.

5           Q.     Okay.   Was Juliet Matje --  
6     was she actually at the meeting in person  
7     from what you can recall?

8           A.     She participated virtually.

9           Q.     How do you know that she  
10    was, like, documenting as the meeting was  
11    ongoing, then?

12          A.     I believe she had shared her  
13    notes document with me, so I had her  
14    notes as well once the meeting concluded.

15          Q.     Did you get the ones from  
16    Megan Schoppe too?

17          A.     I don't believe that I did.

18          Q.     Why did Ms. Matje send you  
19    her notes, if you know?

20          A.     Since she was transitioning  
21    to the elementary buildings to support  
22    there, she wouldn't be involved with this  
23    case moving forward.   So I believe she  
24    forwarded them to me just so that I had



1 her notes from the meeting as well.

2 Q. The notes that you and Ms.  
3 Matje and Ms. Schoppe were creating,  
4 where did those notes go after you made  
5 this document?

6 A. Just they remained in -- I  
7 know my notes remained in my Google  
8 Drive.

9 Q. Who has access to your  
10 Google Drive other than you?

11 A. Just me, unless I were to  
12 share a document with somebody.

13 Q. Is that -- would you  
14 normally keep, like, student records like  
15 this just in your Google Drive?

16 A. Yeah. I would typically  
17 have a file for IEP meetings, and I would  
18 keep notes in there.

19 Q. Was it a personal Google  
20 Drive or was this, like, the district set  
21 up Google Drive for you?

22 A. The district set up Google  
23 Drive.

24 Q. Okay. But as far as you

1 knew, you were the only one who had  
2 access to the district's Google Drive,  
3 like for your Google Drive; right?

4 A. Yeah. My personal part of  
5 the district Google Drive, yes.

6 Q. Okay. How -- if somebody  
7 wanted to check the notes on [REDACTED] IEP  
8 meeting, how would someone go about doing  
9 that?

10 A. I would think that they  
11 would likely contact me and ask me to  
12 share my notes with them.

13 Q. Has there ever been any  
14 discussion in the training you received  
15 or anything about keeping the IEP meeting  
16 notes in a place that's accessible to  
17 other people on [REDACTED] team?

18 A. The notes specifically, no.

19 Q. The final IEP, did that get  
20 implemented into something that was  
21 accessible to all?

22 A. Yes.

23 Q. Why weren't the notes kept  
24 in the district-accessible area?

1           A.     Likely just because these  
2     are, you know, my personal notes that I  
3     was taking during the meeting, or same  
4     for Megan or for Juliet. So these  
5     wouldn't be notes that necessarily would  
6     need to be shared with a building or  
7     specific staff.

8           Q.     Did the case manager have  
9     access? Like, Ms. Riggin, did she have  
10    access to [REDACTED] IEP?

11          A.     Yes.

12          Q.     What about [REDACTED]  
13    teachers? Did they also have access to  
14    her IEP?

15          A.     Yes.

16          Q.     But neither of those people  
17    would have had access to your Google  
18    notes; right?

19          A.     Yes.

20          Q.     Or Drive notes?

21          A.     Correct.

22          Q.     Would you agree with me that  
23    had [REDACTED] teachers had access to the  
24    Google notes, that they would have been

1       aware that [REDACTED] couldn't be in classes  
2       with [REDACTED] [REDACTED] and they needed to have  
3       no contact?

4                       MS. JORDAN: Note my  
5                       objection to the form of the  
6                       question.

7                       You can answer.

8                       THE WITNESS: Yes.

9       BY MS. LAUGHLIN:

10               Q.       Same question for the case  
11       supervisor: Had the case supervisor of  
12       [REDACTED] Ms. Riggin, had access to your  
13       notes here on Page 535, she would have  
14       also been aware that the two students  
15       couldn't have any contact?

16                      MS. JORDAN: Note my  
17                      objection to the form of the  
18                      question.

19                      You can answer.

20                      THE WITNESS: Yes.

21       BY MS. LAUGHLIN:

22               Q.       Did the district have a  
23       policy with notes, like things like this,  
24       that two students couldn't be in class

1       together, like where that information  
2       would be kept?

3               A.       I don't know.

4               Q.       Have you ever received any  
5       kind of training on that?

6               A.       No.

7               Q.       When you talked to Mr.  
8       Nicholson or Mr. Hassler, did they tell  
9       you anything about where that information  
10      should be kept?

11              A.       No.

12              Q.       Would you agree with me that  
13      the fact that two students need to be  
14      kept away from each other -- is that  
15      important information?

16              A.       Yes.

17              Q.       Why is it important?

18                      MS. JORDAN: Note my  
19      objection to the form of the  
20      question.

21                      You can answer.

22                      THE WITNESS: To protect the  
23      student.

24      BY MS. LAUGHLIN:

1 Q. Like, to protect [REDACTED]  
2 here?

3 A. Yes.

4 Q. At the time, did you see any  
5 issue with only communicating this  
6 information to essential personnel since  
7 it was such important information?

8 MS. JORDAN: Note my  
9 objection to the form of the  
10 question.

11 You can answer.

12 THE WITNESS: I didn't.  
13 Based on how our initial meeting  
14 went, I felt that those were the  
15 two most important people to be  
16 made aware of this.

17 BY MS. LAUGHLIN:

18 Q. Did you at some point later  
19 realize that more people should have been  
20 made aware of the fact that these two  
21 students needed to be kept apart?

22 MS. JORDAN: Note my  
23 objection to the form of the  
24 question.

1                   You can answer.

2                   THE WITNESS: I would say  
3                   that that's a very difficult  
4                   question to answer because I  
5                   think -- you know, as I've thought  
6                   about this case, of course now I  
7                   wish that more people would have  
8                   known this information.

9                   But at the time of that  
10                  meeting, I felt that checking the  
11                  schedules and following the steps  
12                  that we had discussed at the  
13                  meeting were -- were important to  
14                  do, and we did that.

15       BY MS. LAUGHLIN:

16                  Q.       When you say as you've  
17                  thought back on this that you think that  
18                  more people should have known about it at  
19                  the time, do you think -- I mean, when  
20                  you say "more people," what other people  
21                  should have known about it?

22                  A.       I would say her teachers.

23                  Q.       And what would that have  
24                  done if the teachers knew about it?

1           A.     I think, you know, had she  
2 ended up in the class with this student,  
3 it could have been remediated  
4 immediately.

5           Q.     Meaning that they could have  
6 been separated immediately?

7           A.     Correct.

8           Q.     The top part of your notes  
9 are going over the -- is it [REDACTED]  
10 course schedule that you and [REDACTED] --  
11 or you and the other people at the  
12 meeting were deciding the classes she'd  
13 have for the year, for the semester?

14          A.     Yes.

15          Q.     And then this paragraph  
16 here, the third paragraph down, is this  
17 the part where you were talking about  
18 there was -- Mrs. [REDACTED] had a  
19 concern about the students moving from  
20 the high school to the tech school?

21          A.     Yes.

22          Q.     It says, Tech school, Mrs.  
23 Ahart consulting with the team at -- and  
24 it says NMTCC, but North Montco, to



1 implement -- and then it says tier,  
2 explanation point, supports.

3 What does that mean?

4 A. It should say tier 1  
5 supports. One of the -- and this was  
6 information from [REDACTED] IEP meeting  
7 that had happened in the spring. The  
8 reason that North Montco wanted [REDACTED] to  
9 return to the high school full-time is  
10 that they were having concerns about her  
11 behavior.

12 So Mrs. Ahart, who was a  
13 behavior specialist, was going to conduct  
14 an FBA and to implement tier 1 supports  
15 over at North Montco Technical Career  
16 Center so that teachers had a better  
17 understanding of how to support any of  
18 [REDACTED] behaviors.

19 Q. For the period of the day  
20 that she was at the tech school?

21 A. Yeah. And that would have  
22 really just been done, you know, through  
23 consultation on -- from Mrs. Ahart.

24 Q. And you said that -- you

1       used the term "FBA."   What does that  
2       mean?

3               A.       A functional behavioral  
4       assessment.

5               Q.       In your understanding, when  
6       are functional behavioral assessments  
7       used for students?

8               A.       So, typically, if teachers  
9       that are working with that student are  
10      recognizing that there are behaviors that  
11      are impeding their learning, then a  
12      functional behavioral assessment would be  
13      completed.

14              Q.       Okay.   And then the next  
15      part says, Kate, hyphen, reach out to Dr.  
16      Hammer to add rating scales to [REDACTED]  
17      evaluations.

18                      Is this something, like,  
19      that you're writing that you're going to  
20      be doing?

21              A.       Yes.   So I -- Dr. Hammer was  
22      the school psychologist that -- again,  
23      they were broken up by last names.   So  
24      she had the first half of the alphabet,

1 as I did. So she would have been the  
2 school psychologist that was responsible  
3 for completing [REDACTED] reevaluation  
4 report.

5 Q. Okay. And when does the  
6 reevaluation report get done, typically?

7 A. Typically, it would happen  
8 every three years. And I believe in  
9 2018, [REDACTED] was up for a reevaluation.  
10 So as part of that process,  
11 executive functioning skills were going  
12 to be included, and I think an FBA would  
13 be part of that too.

14 Q. Okay. The functional  
15 behavioral assessment?

16 A. Yes.

17 Q. And it also says, like,  
18 Putting in place planning supports for  
19 [REDACTED] to be aware of projects and  
20 assignments that are coming up in the  
21 future.

22 A. Yes.

23 Q. Do you recall having that  
24 discussion with Dr. Hammer to incorporate

1       those things?

2               A.       Yes. I believe so, yes.

3               Q.       The next part says, Lots of  
4       social anxiety and trust issues with  
5       teachers.

6                       What do you recall  
7       discussing about lots of social anxiety?

8               A.       I think just kind of talking  
9       about -- this was part of our  
10       conversation about the smaller class  
11       sizes. Mrs. [REDACTED] had mentioned  
12       that [REDACTED] does have anxiety around  
13       peers and the trust issues with teachers,  
14       and that kind of helped us to talk about  
15       those smaller class sizes being more  
16       appropriate to meet her needs.

17              Q.       Do you recall any discussion  
18       about what the issue was with the social  
19       anxiety, what it stemmed from, what it  
20       involved, anything like that?

21              A.       I don't. I don't remember.

22              Q.       And then there was going to  
23       be an IEP meeting within the first 30  
24       days of school, for the end of September?

1           A.     Yes.

2           Q.     Do you recall, why was there  
3 going to be an IEP since you just had one  
4 in August, to do one a month later?

5           A.     I think we had talked about,  
6 you know, giving [REDACTED] some time to  
7 transition into the building; and then  
8 since this was her first year at North  
9 Penn, we would reconvene as a team to  
10 kind of talk about how she was doing and  
11 if more supports for her were needed.

12          Q.     Okay. And then like you  
13 mentioned before, you talked about the  
14 possibility that she could be involved in  
15 Knight Riders, the horse -- equestrian  
16 club at North Penn High School?

17          A.     Yes.

18          Q.     Was that something that was  
19 also available to the students at North  
20 Montco, if you know?

21          A.     Yes, because I think if you  
22 were a registered North Penn student,  
23 then all of those clubs would have been  
24 available to you. Yes.

1           Q.     Meaning if you split your  
2     time between North Montco and North Penn  
3     High School?

4           A.     Correct. And even if you  
5     were a student that was at North Montco  
6     for a full day but you were still a North  
7     Penn School District student, you would  
8     have had the opportunity to participate  
9     in that club.

10          Q.     Okay. I'm scrolling down to  
11     Bates Number Page 536, and this is --  
12     Megan Schoppe's notes is how they're  
13     identified.

14                 Have you seen these notes  
15     before today?

16          A.     Yes. I believe I collected  
17     documents when we initially had a records  
18     request from mom. So documents were  
19     submitted to me, so I had seen these.

20          Q.     Okay. And this first page  
21     is kind of like in the beginning of your  
22     notes where you talk about what [REDACTED]  
23     schedule would actually be?

24          A.     Yes.

1           Q.     This second part where it  
2     says, [REDACTED] [REDACTED] is not in class or in  
3     halls near her, then it says, She is the  
4     victim in the situation according to mom,  
5     do you see that there?

6           A.     I do, yes.

7           Q.     What do you recall about the  
8     conversation about [REDACTED] being a victim  
9     in this situation?

10          A.     I don't remember. I  
11     remember mom sharing, you know, that  
12     there was an incident between these two  
13     students. I don't remember her sharing  
14     much more than that at the time of that  
15     meeting.

16          Q.     Okay. From your impression  
17     of the conversation you had, did you have  
18     the impression or was it your  
19     understanding that [REDACTED] was the victim  
20     in this situation?

21          A.     I had the impression that  
22     [REDACTED] -- yes, she was the one that was,  
23     you know, harmed in what the incident was  
24     and that's why, you know, mom wanted to

1 make sure that they didn't come in  
2 contact with each other.

3 Q. When you say [REDACTED] was  
4 harmed, what do you mean by that?

5 A. It's kind of the word that I  
6 use to associate with victim, I guess.  
7 The way that mom explained it, I -- I did  
8 understand that [REDACTED] was -- there was  
9 an issue between these two students and,  
10 you know, [REDACTED] had a negative  
11 experience because of that. And that's  
12 why we wanted to plan to make sure that  
13 those two students did not come in  
14 contact.

15 Q. Okay. So from what you just  
16 told me, is it -- am I correct in saying  
17 that you had an understanding that [REDACTED]  
18 had been harmed in some way by [REDACTED]  
19 previously? Is that right?

20 A. Yes.

21 Q. And that [REDACTED] was the  
22 victim in that situation?

23 A. Again, I don't remember mom  
24 using that language specifically, but I



1 do remember understanding that, you know,  
2 [REDACTED] was the person that was negatively  
3 impacted and we needed to plan to make  
4 sure that she was supported coming into  
5 the high school.

6 Q. Did you have any  
7 understanding as to whether [REDACTED] had  
8 any fault in the prior incident?

9 MS. JORDAN: Note my  
10 objection to the form of the  
11 question.

12 You can answer.

13 THE WITNESS: No.

14 BY MS. LAUGHLIN:

15 Q. No, you didn't have any  
16 understanding either way, or no, she was  
17 not at fault?

18 A. No, I did not have any  
19 understanding.

20 Q. The next part that says --  
21 sorry. The screen keeps going blue  
22 instead of white.

23 The next section that says,  
24 [REDACTED] needs to have the power back in

1 school setting when near him.

2 Do you see that?

3 A. I do.

4 Q. Do you recall that part of  
5 the conversation of the meeting?

6 A. I don't.

7 Q. What is PBSP needed? Do you  
8 know what that stands for?

9 A. Yes. So that stands for  
10 positive behavior support plan. And a  
11 functional behavioral assessment would be  
12 completed, and then you would use that  
13 information from the assessment to  
14 develop a positive behavior support plan.

15 Q. Okay. And then this here in  
16 Ms. Schoppe's note says that that IEP  
17 meeting was going to be at the beginning  
18 of October?

19 A. Yes.

20 Q. Is that your recollection,  
21 that there was actually, like, a  
22 scheduled meeting for the beginning of  
23 October?

24 A. No. My recollection is, you

1 know, as we talked as a team, we felt  
2 that that would be an appropriate time to  
3 come back together just to give [REDACTED]  
4 some time to transition into the building  
5 first.

6 Q. Okay. So you didn't have a  
7 specific date that the meeting was going  
8 to take place, but you all were planning  
9 for early October to convene again?

10 A. Yes.

11 Q. And the next part says, Try  
12 not to have Liz Shine attend meetings.  
13 Dawn and Keira are go-to for her.

14 Do you recall this part of  
15 the meeting?

16 A. I knew that -- I think I had  
17 mentioned earlier that the meeting that  
18 had happened at North Montco Technical  
19 School in the spring, it was not a very  
20 productive meeting. I think Mrs.

21 [REDACTED] felt that the team was really  
22 negative in kind of talking about [REDACTED]  
23 and Liz Shine who -- I believe she was  
24 the special ed point in that building --

1 was very vocal in the meeting and just  
2 saying things that weren't really  
3 productive to supporting [REDACTED] moving  
4 forward.

5 So Mrs. [REDACTED] did not  
6 want her to attend any of the meetings,  
7 the IEP meetings that would happen with  
8 representation from North Montco.

9 Q. All the information you just  
10 shared with me, is that information that  
11 you learned from Mrs. [REDACTED] or from  
12 some other means?

13 A. Mrs. [REDACTED] had spoken  
14 to that, and then I also knew that from  
15 Juliet Matje. I knew that one of the  
16 reasons that she was attending this  
17 meeting in August was because she had  
18 been at that previous meeting in the  
19 spring.

20 Q. Okay. I'm going to show you  
21 Bates Number 632. Towards the bottom of  
22 the page, there's an email from you to  
23 Megan Schoppe, and it's dated August  
24 22nd, 2018. And based on the time at

1 7:59 a.m., I assume this is before you  
2 had that meeting that day?

3 A. Yes.

4 Q. And it says, FYI, Juliet is  
5 going to join us for this meeting. She  
6 said there is some important info from  
7 tech that she wants to share.

8 Do you recall, was the --  
9 what was the important information that  
10 Juliet Matje had shared?

11 A. She wanted to share that,  
12 you know, the meeting in the spring had  
13 really not been productive and that --  
14 there was just sort of a negative tone to  
15 the meeting, so she wanted to be there to  
16 kind of share. She was going to share  
17 out a summary of what the tech school had  
18 recommended, and that way we could kind  
19 of talk through that without having Liz  
20 Shine be part of that meeting.

21 Q. And was this something that  
22 Juliet Matje had discussed with you or  
23 Megan Schoppe before the meeting with the  
24 [REDACTED] took place?

1           A.     She had called me and said  
2     that she wanted to join in on that  
3     meeting. So, yes, she had shared that  
4     with me.

5           Q.     Okay. Like, the background  
6     of why she wanted to join in this  
7     meeting?

8           A.     Yes.

9           Q.     Was there -- between you,  
10    Juliet Matje, and Ms. Schoppe, was there  
11    kind of like an agreement between the  
12    three of you to, like, try and make this  
13    meeting with [REDACTED] and her mom, like, a  
14    positive experience after what she had  
15    been through in the last IEP meeting?

16           MS. JORDAN: Note my  
17           objection to the form of the  
18           question.

19           You can answer.

20           THE WITNESS: No. I think  
21           we just wanted to make sure that  
22           we were able to be focused on  
23           making sure that we had the most  
24           productive plan for [REDACTED]

1 BY MS. LAUGHLIN:

2 Q. Okay. I'm going to jump to  
3 Page -- North Penn's Bates Number 627.  
4 And this is an email that you said you  
5 sent August 27th, 2018.

6 And is this the email that  
7 you were referring to, that once you got  
8 back from your vacation you had sent to  
9 Kyle and Megan about checking the  
10 schedules?

11 A. Yes.

12 Q. You also write in this  
13 email, When they return to tech fourth  
14 period, they both have lunch. Megan,  
15 should we develop a formalized plan to  
16 address this?

17 Do you see that part?

18 A. Yes.

19 Q. What happened about a  
20 formalized plan? Did one ever take  
21 place?

22 A. Not that I know of.

23 Q. Okay. Did Megan respond to  
24 you as far as you can recall?

1           A.     I don't remember.

2           Q.     Why did it -- do you know  
3 whether a plan ever got put in place for  
4 their return after fourth period?

5           A.     I don't know.

6           Q.     Was this a plan -- based on  
7 your email and your understanding of what  
8 you were trying to communicate to Megan,  
9 was this to make sure that they didn't  
10 have lunch together?

11          A.     No. This was in regards to  
12 that transition time that they would be  
13 walking from the tech school to North  
14 Penn to make sure that, you know, there  
15 was a plan there and that they were --  
16 you know, we knew that we had supervision  
17 for them.

18          Q.     Okay. Was it from North  
19 Penn High School to the tech school and  
20 back, or was it just one way you were  
21 concerned about?

22          A.     It was both ways. They  
23 would walk there in the morning, I  
24 believe, and then they would return in to



1 lunch.

2 Q. Okay. At North Penn, were  
3 -- was the lunch, like, all in the same  
4 cafeteria, or were there separate  
5 cafeterias that students would go to to  
6 have lunch?

7 A. It's one big space, but it's  
8 sort of divided into maybe almost three,  
9 like, areas where you could eat.

10 Q. Do you know whether there  
11 was any safety plan in place for [REDACTED]  
12 and [REDACTED] to avoid each other at lunch?

13 A. I don't know.

14 Q. Would you agree with me  
15 that, based on our prior conversation,  
16 what you told me about after the August  
17 22nd meeting and this email that you sent  
18 on August 27th, that it was the school's  
19 responsibility to keep [REDACTED] and [REDACTED]  
20 out of the same classes together?

21 A. Yes.

22 Q. I'm going to go to the next  
23 page, which is 628. This is an email the  
24 same day, August 27th, at 12:53, and it's

1 from Megan Schoppe to you, and cc'd on  
2 here is Lindsey Rigglin.

3 It says, Yes, we need to,  
4 and I think -- hold on. Let me -- sorry.  
5 I'm trying to make it back into context.

6 Here we go. So at the very  
7 bottom of 627, there's an email sent from  
8 you to Lindsey Rigglin and Megan Schoppe  
9 at 11:58 in the morning. And it says,  
10 Lindsey -- Hi, Lindsey, welcome back.  
11 Over the summer, Megan and I met with  
12 [REDACTED] [REDACTED] a student on your  
13 caseload, and her mom. Both [REDACTED] and  
14 her mom shared many concerns regarding  
15 anxiety and difficulty connecting with  
16 teachers. I just wanted to make sure  
17 she's on your radar. Let me know if you  
18 have any questions.

19 And then on the next part,  
20 it looks like Megan Schoppe chimes in  
21 before Lindsey responds at 12:53 and  
22 says, Yes, I think we need to, and I  
23 think we need to involve Pete and  
24 security as well.

1 Do you know what Megan  
2 Schoppe was referring to about involving  
3 Pete and security?

4 A. I don't.

5 Q. Okay. Do you know whether  
6 this had to do with the fact that  
7 security had to know so that the two  
8 students could be monitored as they  
9 walked from one place to the next?

10 A. That's a possibility.

11 Q. Okay. Was there anything  
12 else that security needed to be a made  
13 aware of with [REDACTED] other than what we  
14 talked about the security knowing that  
15 they weren't supposed to be together,  
16 [REDACTED] and [REDACTED]

17 A. No, not from a conversation  
18 that I was a part of.

19 Q. What about involving Pete  
20 Nicholson? Was there anything else other  
21 than the fact that [REDACTED] and [REDACTED]  
22 needed to be kept apart that he needed to  
23 be aware of involving [REDACTED]

24 A. No.

1           Q.     Then Lindsey had responded  
2     back, I guess, to your email saying,  
3     Thank you for filling me in. I was  
4     planning on reaching out to my caseload  
5     parents this week. Is there anything  
6     else I need to know regarding [REDACTED]  
7     Please keep me posted.

8                     Did you have a conversation  
9     with Ms. Riggin after this, if there's  
10    anything that she needed to know?

11           A.     I think I had had a  
12    conversation with her just reiterating  
13    what I had said in that original email  
14    about the anxiety and the trust issues  
15    with teachers.

16           Q.     Okay. But you didn't share  
17    with her the involvement of security and  
18    the fact that you had to have a  
19    conversation with Pete Nicholson?

20           A.     I did not, no.

21           Q.     Do you think that that was  
22    something that she should have known at  
23    this point?

24                     MS. JORDAN: Note my

1 objection to the form of the  
2 question.

3 You can answer.

4 THE WITNESS: At the time  
5 that this all happened, I felt  
6 that, you know, we had discussed  
7 at the meeting not all of the  
8 teachers needing to be aware of  
9 this, and I felt that that was  
10 something that Mrs. [REDACTED]  
11 wanted. So I knew that I had  
12 communicated this with Pete and  
13 with Kyle, and I didn't think that  
14 this was something that I should  
15 communicate to Lindsey based on  
16 how our conversation went on the  
17 22nd.

18 BY MS. LAUGHLIN:

19 Q. With Mrs. [REDACTED]

20 A. Yes.

21 Q. Did you talk -- you talked  
22 about teachers maybe as part of the  
23 conversation of who should or shouldn't  
24 know on August 22nd; right?

1 A. Yes.

2 Q. Did you discuss, like, that  
3 [REDACTED] was going to have a specific case  
4 manager in special education and whether  
5 that person should know about this?

6 A. We did discuss her having a  
7 case manager. I don't remember that we  
8 talked about whether the case manager  
9 should know this information.

10 Q. At what point did you become  
11 aware that [REDACTED] had been sexually  
12 assaulted by [REDACTED] in 10th grade?

13 A. I don't remember the date  
14 exactly, but I remember it being a  
15 Friday. And Pete Nicholson called me.  
16 It was a day that I was at Northbridge.

17 And he called me and asked  
18 if I remembered meeting with a student,  
19 [REDACTED] [REDACTED] and her mom, and I  
20 shared that I did. And he asked me to  
21 kind of refresh his memory on what the  
22 outcome of that meeting was, and I shared  
23 with him about checking the schedules.

24 And he then communicated to

1 me that [REDACTED] had come forward at the  
2 tech school, I believe the previous day,  
3 and shared that she was sexually  
4 assaulted by [REDACTED] and that this had  
5 happened in their social studies class,  
6 that they were scheduled -- that they  
7 were in class together.

8 Q. And what was your reaction?  
9 What did you think when Mr. Nicholson had  
10 communicated that to you?

11 MS. JORDAN: Note my  
12 objection to the form of the  
13 question.

14 You can answer.

15 THE WITNESS: Of course  
16 immediately I was, you know, very  
17 upset to think that this could  
18 have happened to a student and  
19 that it could have been a result  
20 of the schedule changing when I  
21 knew that I had checked the  
22 schedule.

23 And after ending my  
24 conversation with Mr. Nicholson, I

1           did call Mrs. [REDACTED] to  
2           apologize to her that this had  
3           happened.

4       BY MS. LAUGHLIN:

5           Q.     Is that -- the call that you  
6           made to Mrs. [REDACTED] is that  
7           something that you and Mr. Nicholson  
8           discussed would be done?

9           A.     I told him that I wanted to  
10          call her.

11          Q.     Why did you tell him that?  
12          Like, what did you say to him?

13          A.     I think I just said, you  
14          know, I would really -- since I was part  
15          of that meeting on August 22nd, I would  
16          really like to contact her mom and just  
17          to apologize to her.

18          Q.     Why were you apologizing?

19          A.     To think that they did end  
20          up in the same class together after I  
21          knew that I had checked the schedule. I  
22          had called Mrs. [REDACTED] I believe,  
23          the first day that student -- or that  
24          students returned to the building so that



1       ████████ would have been in school. I  
2       called her that day and followed up with  
3       her in an email just to check in to see  
4       how ██████████ first day went.

5                       So I knew that I wanted to  
6       reach out to her and just apologize to  
7       her that they had ended up in the same  
8       class together.

9               Q.     Did you feel responsible for  
10      that since you were the one that was  
11      checking the schedule?

12              A.     I knew that I had checked  
13      the schedule. So I knew that I had had  
14      eyes on that schedule. I had known that  
15      they were not in the same class. So I  
16      definitely felt, you know, was -- I  
17      questioned was there something that I  
18      missed, but I don't know that I felt  
19      solely responsible that they ended up in  
20      the same class together.

21              Q.     Who else's responsibility  
22      was it, then, if it wasn't totally yours?

23                      MS. JORDAN: Note my  
24                      objection to the form of the

1 question.

2 You can answer.

3 THE WITNESS: I think, you  
4 know, when I think about our  
5 student information system that we  
6 have and just our ability to kind  
7 of safeguard the ability to the  
8 students being scheduled into the  
9 same class, that was something  
10 that I had thought of.

11 BY MS. LAUGHLIN:

12 Q. But whose responsibility, I  
13 guess, is that? Like, if that's a  
14 computer thing, like, is there somebody  
15 that, like -- whether they should have  
16 told you about that being an option or --  
17 what do you mean by that?

18 A. I think --

19 MS. JORDAN: Note my  
20 objection to the form of the  
21 question.

22 You can answer.

23 THE WITNESS: I think I just  
24 mean, you know, maybe if our

1           system had the ability to notify  
2           you when a specific student's  
3           schedule had changed. If I had a  
4           notification like that, then of  
5           course I would have gone back in  
6           and rechecked the schedules.

7       BY MS. LAUGHLIN:

8           Q.       From what we know later,  
9           that was available; right? You just --  
10          that was available; right?

11                 MS. JORDAN: Note my  
12           objection to the form of the  
13           question.

14                 You can answer.

15                 THE WITNESS: I don't know.

16       BY MS. LAUGHLIN:

17           Q.       Later on after this  
18           incident, you had communicated or  
19           coordinated with someone in the tech  
20           department to make that happen; right?

21                 MS. JORDAN: Note my  
22           objection to the form of the  
23           question.

24                 You can answer.

1                   THE WITNESS:   What we were  
2                   able to arrange was a pop-up that  
3                   would just state that the  
4                   student's schedule couldn't be  
5                   changed without consulting  
6                   administration.   But that doesn't  
7                   mean that the student's schedule  
8                   couldn't change without us  
9                   knowing, if that makes sense.

10                   So that would pop up, right,  
11                   but you could easily have clicked  
12                   out of that.   So if [REDACTED]  
13                   scheduled happened to change, I  
14                   wouldn't get any notification on  
15                   my end that the schedule had  
16                   changed.

17   BY MS. LAUGHLIN:

18                   Q.       Do you know whether  
19                   something like that even exists or  
20                   existed at the time of what you're  
21                   describing?

22                   A.       I don't know.

23                   Q.       Why -- if you know, why was  
24                   Pete Nicholson calling you about the

1 assault?

2 A. I think because he knew that  
3 I was the one that had checked the  
4 student schedules and he had remembered  
5 having that conversation.

6 Q. Okay. Because when you said  
7 that he called you and said refresh my  
8 recollection as to what happened, I mean,  
9 what did he know or didn't know as far as  
10 your understanding when he called you?

11 A. I think when he said that,  
12 he was just meaning, like, of the  
13 conversation that had happened at that  
14 IEP meeting since he was not at the IEP  
15 meeting.

16 Q. Okay. But he did remember  
17 at the time that you were checking the  
18 schedules to make sure that [REDACTED] and  
19 [REDACTED] weren't going to be in the same  
20 classes together?

21 A. Yes.

22 Q. When Pete Nicholson was  
23 explaining to you that [REDACTED] had been  
24 sexually assaulted in the social studies

1 class at North Penn High School, did he  
2 explain to you exactly what happened in  
3 the assault?

4 A. He did not.

5 Q. Do you recall, like, how  
6 many times it happened or any other  
7 details about the sexual assault itself?

8 A. No, I do not.

9 Q. When you talked to Mrs.  
10 [REDACTED] when you -- did you call her  
11 on the phone immediately after you hung  
12 up with Mr. Nicholson?

13 A. I did, yes.

14 Q. And what was Ms.  
15 [REDACTED]'s reaction to you calling?

16 A. She was upset. She was very  
17 upset that this had happened and she made  
18 that clear. But we were able to end the  
19 conversation. She said, you know, I  
20 appreciate you calling me, but that  
21 doesn't change the fact that I'm upset,  
22 of course.

23 Q. When you said that she made  
24 it clear that she was upset, what do you

1 mean by that?

2 A. I think she just kind of  
3 reiterated the fact that she was trusting  
4 in the school to make sure that [REDACTED]  
5 did not come in contact with [REDACTED]

6 Q. And what did you say when  
7 she told you that?

8 A. I said, you know, I  
9 apologize, and we're absolutely going to  
10 be looking into how this happened; I do  
11 know that I checked their schedules prior  
12 to the first day of school.

13 Q. Okay. Is there anything  
14 else that you can recall about that  
15 conversation with Mrs. [REDACTED]

16 A. No.

17 Q. How did you and Pete  
18 Nicholson leave the conversation? You  
19 had refreshed his memory as to the exact  
20 conversations that took place at the  
21 August 22nd meeting and you told him that  
22 you were going to be calling Mrs.

23 [REDACTED]

24 Is there anything else that

1       you guys discussed in that conversation?

2               A.       He did share that law  
3       enforcement would be involved with  
4       completing a full investigation. And I  
5       just told him to please reach out to me  
6       and let me know if there was anything  
7       that he needed from me.

8               Q.       When he said law enforcement  
9       would be completing a full investigation,  
10      what was your understanding of what was  
11      happening?

12              A.       My understanding was that  
13      the -- you know, [REDACTED] report of being  
14      sexually assaulted was going to be  
15      investigated, and that's really all that  
16      I knew at that time.

17              Q.       Do you know whether -- did  
18      Mr. Nicholson say anything to you as to  
19      whether the school was going to be -- or  
20      the district was going to be doing its  
21      own investigation?

22              A.       Yes. I do know that he was  
23      going to be interviewing students as  
24      well, but I believe that that was going



1 to happen after law enforcement  
2 investigated.

3 Q. Why was that?

4 A. I think that that was just  
5 kind of the order that he had told me.

6 Q. Okay. So Pete Nicholson is  
7 the one who told you first law  
8 enforcement is going to investigate, and  
9 then I, meaning Pete Nicholson, is going  
10 to investigate what happened?

11 A. I believe that's how I  
12 remember this happening, yes.

13 Q. Had you had any training  
14 prior to this point on investigations  
15 involving a sexual assault of a student  
16 and how that was supposed to be done?

17 A. Not that I remember.

18 Q. Do you know whether a school  
19 investigation had to wait until a police  
20 investigation could be completed?

21 A. I don't know.

22 Q. Is there anything else that  
23 you recall about the telephone call with  
24 Pete Nicholson?

1 A. No.

2 Q. You said that, I think, in  
3 your conversation with Mrs. [REDACTED]  
4 that you were going to try and get to the  
5 bottom of what had happened?

6 A. Yes.

7 Q. Did you discuss that with  
8 Pete Nicholson?

9 A. I believe that that may have  
10 been a topic of our conversation, but I  
11 did mention earlier that that was the  
12 conversation that I had had with Todd  
13 Bauer, who was our assistant  
14 superintendent.

15 Q. Okay. And so Todd Bauer, I  
16 think you were saying before that he had  
17 called you, or did you call him?

18 A. After this happened, I  
19 believe that I met with him in his office  
20 here at the ESC.

21 Q. Okay. Why did you -- how  
22 did that come about, you meeting with Dr.  
23 Bauer in his office at the ESC?

24 A. He knew that I was involved

1 with this case and he knew that we would  
2 be having an IEP meeting to transition  
3 [REDACTED] over to North Montco full-time, so  
4 he had just wanted to ask me some  
5 questions about the scheduling component.

6 Q. How long after you talked to  
7 Pete Nicholson and Ms. [REDACTED] did  
8 you have this meeting with Mr. Bauer?

9 A. This was a Friday, so I  
10 would guess that it probably happened  
11 early in the next week.

12 Q. You mentioned that in your  
13 meeting with Dr. Bauer that [REDACTED] was  
14 going to be transitioning full-time to  
15 North Montco?

16 A. Yes.

17 Q. How did you find that  
18 information out?

19 A. That may have been shared by  
20 Pete Nicholson when I spoke with him that  
21 Friday when he shared that [REDACTED] had  
22 come forward and reported that she was  
23 sexually assaulted. She did say that she  
24 would not be coming back to North Penn

1 High School and that she would now attend  
2 North Montco full-time.

3 Q. Did you ask Pete Nicholson  
4 any questions about, you know, whether  
5 there was anything to keep her at North  
6 Penn High School or -- was that part of  
7 the conversation at all?

8 A. He had made it clear that  
9 Mrs. [REDACTED] wanted her to be at  
10 North Montco full-time, that that was  
11 going to be the priority. So I did just  
12 mention to him, you know, I will work to  
13 schedule an IEP meeting as quickly as  
14 possible so that we can make sure we have  
15 supports in place for the team at North  
16 Montco.

17 Q. What about when you called  
18 Mrs. [REDACTED] Did you discuss that  
19 at all with her, about [REDACTED]  
20 transitioning to North Montco full-time  
21 now?

22 A. I remember her saying that  
23 she did not want [REDACTED] returning to the  
24 high school. But aside from that, we did

1 not talk about a transition.

2 Q. Other than Mrs. [REDACTED]  
3 telling you that [REDACTED] -- that she  
4 didn't want [REDACTED] returning to North  
5 Penn High School, was there any other  
6 discussion about that with Mrs.

7 [REDACTED]

8 A. No, not in that phone call.

9 Q. Did you offer any supports  
10 or anything to [REDACTED] or, like, for  
11 [REDACTED] to Mrs. [REDACTED] about what  
12 you'd be trying to put in place to  
13 support [REDACTED] after this assault?

14 A. Not at that time. When we  
15 did meet for her IEP meeting, we talked  
16 at length about those supports that we  
17 would make available to her.

18 Q. Okay. I know you said that  
19 by the end of the conversation, like, it  
20 sounded like trying to end the  
21 conversation on an okay note I guess I  
22 can say, because it probably wasn't a  
23 positive note for everything.

24 A. Right.

1           Q.     Was there a plan as to what  
2     was going to happen next when you talked  
3     to Mrs. [REDACTED] when you ended that  
4     phone call?

5           A.     I believe that I had stated  
6     that we would work to schedule an IEP  
7     meeting as soon as possible so that we  
8     could come together as a team and look at  
9     supports for [REDACTED] moving forward.

10          Q.     When -- since [REDACTED] was  
11     part of, like, your caseload based on her  
12     last name, did you have any  
13     responsibility for monitoring her grades  
14     at North Penn High School?

15          A.     No. That would have been  
16     the responsibility of her case manager.

17          Q.     Ms. Riggin?

18          A.     Yes.

19          Q.     And then Ms. Riggin would  
20     be, like, reporting to you if there were  
21     issues; is that right?

22          A.     Yes.

23          Q.     I'm showing you North Penn  
24     Bates Number 658. It's an email from

1     October 3rd, 2018 at 11:57 a.m., and this  
2     is from Timothy Borgmann, who is the  
3     history teacher at North Penn High  
4     School, and it's to Lindsey Riggin.

5                     Do you see this?

6             A.     Yes.

7             Q.     Have you ever seen this  
8     email before?

9             A.     No.

10            Q.     When you got all the  
11    documents -- you said you were the one  
12    collecting documents once the district  
13    received a request from Mrs. [REDACTED]

14            A.     Yes.

15            Q.     Did you read the documents  
16    that you received from that request?

17            A.     No. I remember seeing some  
18    of them just by nature of collecting  
19    them, but there were many, many  
20    documents. So, no, I did not read them.

21            Q.     Okay. So there's an email  
22    that Mr. Borgmann had sent to Ms. Riggin  
23    October 3rd, 2018 that says, [REDACTED]  
24    [REDACTED] has a 16 percent in America

1 in History in Period 6. I have met her  
2 IEP accommodations. She says her seat is  
3 not a problem. All assignments have had  
4 an expected due date and an extended due  
5 date. He talked about the directions  
6 that he was giving in the class and that  
7 she had extra time on the test. And does  
8 she need to drop down to a 4.0 class is  
9 what Mr. Borgmann is asking Ms. Rigglin.

10 Since Mr. Borgmann and Ms.  
11 Rigglin were not notified of the issues  
12 with [REDACTED] and [REDACTED] needing to be kept  
13 apart, do you agree with me, at this  
14 point when Mr. Borgmann is raising the  
15 issue of [REDACTED] failing with a 16 percent  
16 in the class, they didn't know at this  
17 point that there was an issue between  
18 [REDACTED] and [REDACTED] with them needing to be  
19 kept apart? Correct?

20 MS. JORDAN: Note my  
21 objection to the form of the  
22 question.

23 You can answer.

24 THE WITNESS: Not -- not



1           that I communicated to them, so  
2           not that I would have made either  
3           of them aware of.

4       BY MS. LAUGHLIN:

5           Q.     Do you know whether --  
6       outside of you whether they had been made  
7       aware of this fact?

8           A.     I don't. I do not know.

9           Q.     When somebody is failing  
10      with a 16 percent in a class and it's  
11      communicated to the case manager, Ms.  
12      Riggin, would you have expected Ms.  
13      Riggin to come to you about one of her  
14      case students having a 16 percent in one  
15      of the subjects?

16          A.     It depends on, you know,  
17      kind of what she felt would be the next  
18      best step.

19                    So it looks like here  
20      they're discussing [REDACTED] possibly  
21      switching to a 4.0 class. So that would  
22      just be a switch between general  
23      education. She would just be moving down  
24      a level.

1                   So that's not necessarily  
2                   something that would need to be  
3                   communicated to me because it wouldn't be  
4                   changing her percentage of special  
5                   education services. So that's likely why  
6                   I wasn't aware of this.

7                   Q.       Would you agree with me that  
8                   had Mr. Borgmann or Ms. Riggan been made  
9                   aware of the fact that [REDACTED] and [REDACTED]  
10                  needed to be kept separate, that the  
11                  reason for her failing could have been  
12                  identified sooner?

13                  MS. JORDAN: Note my  
14                  objection to the form of the  
15                  question. Calls for speculation.  
16                  She doesn't know why she was  
17                  failing.

18                  You can answer if you have  
19                  an answer.

20                  THE WITNESS: Yeah, I don't  
21                  know.

22                  BY MS. LAUGHLIN:

23                  Q.       When you had found out from  
24                  Mr. Nicholson that [REDACTED] and [REDACTED] --

1 or that [REDACTED] had been sexually  
2 assaulted by [REDACTED] in the history class,  
3 did you ask him how that could have  
4 happened?

5 MS. JORDAN: Note my  
6 objection to the form of the  
7 question.

8 You can answer.

9 THE WITNESS: I didn't. I  
10 assumed that that meant that they  
11 were in the same course.

12 BY MS. LAUGHLIN:

13 Q. Did you find out at some  
14 point that they were also not only in the  
15 same course, but also assigned seats  
16 right next to each other?

17 A. I don't think that Mr.  
18 Nicholson shared that detail with me, no.

19 Q. Other than in that  
20 conversation, did you find out at some  
21 point that [REDACTED] and [REDACTED] had been  
22 assigned seats next to each other in that  
23 class?

24 A. I believe that I only knew

1       that information from reading the  
2       complaint.

3               Q.       After the lawsuit was filed?

4               A.       Yes.

5               Q.       Do you know whether it  
6       was -- this is just if you know. If you  
7       don't know, obviously you can't answer.

8                       But do you know whether it  
9       was typical for teachers at North Penn  
10      High School to assign seats to the  
11      students?

12              A.       I don't know.

13              Q.       I'm sending you -- or I'm  
14      showing you North Penn's Bates Number  
15      625, and it's an email October 9th, 2018  
16      at 1:05 p.m. from you to Pete Nicholson.

17                      Do you see that?

18              A.       Yes.

19              Q.       And it says, Hi, Pete.  
20      Lindsey Riggan is [REDACTED] case manager.  
21      Thanks, Kate.

22                      Do you know why this email  
23      was sent or what this email involved?

24              A.       I don't.

1           Q.     Do you know whether this was  
2     the same day -- based on my records,  
3     [REDACTED] had reported the sexual assault on  
4     October 9th. So if that helps to put  
5     things in context for you, do you recall  
6     having any conversations with Pete  
7     Nicholson about who [REDACTED] case manager  
8     was when he told you about [REDACTED] being  
9     sexually assaulted?

10           A.     I don't.

11           Q.     What is IEP Plus?

12           A.     That is -- was our former  
13     system for being able to develop and  
14     house all of our IEPs within the  
15     district.

16           Q.     Was it in the beginning of  
17     the 2018 school year, in the fall of  
18     2018? Was that the program, IEP Plus?

19           A.     Yes.

20           Q.     When did it change to  
21     something different?

22           A.     I believe during the 2019  
23     school year.

24           Q.     Do you know why it changed

1 from IEP Plus to the other one?

2 A. I don't.

3 Q. Other than you physically  
4 crosschecking the student schedules, were  
5 you aware of anything else that could  
6 have been put in place, in a computer or  
7 something like that, that could have  
8 prevented [REDACTED] and [REDACTED] from being in  
9 the same class?

10 A. No.

11 Q. At this point, after the  
12 meeting on August 22nd, the requirement  
13 that [REDACTED] and [REDACTED] be kept separate  
14 was not in [REDACTED] IEP; is that right?

15 A. Correct.

16 Q. Why wasn't it?

17 A. I had not experienced before  
18 writing another student's name into a  
19 child's IEP, but that wasn't something  
20 that we had discussed doing at the  
21 meeting. I don't think that that was  
22 anything that any us there thought of.  
23 We really kind of were focusing on just  
24 documenting her academic needs within

1       there and making sure that she had those  
2       courses that she needed to be successful.

3               Q.       At some point, [REDACTED] name  
4       did go into [REDACTED] IEP, though; is that  
5       correct?

6               A.       Yes.

7               Q.       How did that come about to  
8       do that and put those requirements in  
9       [REDACTED] IEP?

10              A.       So after she had reported  
11       that she was sexually assaulted, we met  
12       as an IEP team at North Montco. And in  
13       my conversation with our director, Ann  
14       Marie Lucas, who also I believe had  
15       consulted with Kyle Somers, mom had  
16       requested that we then write his name  
17       into her IEP. So I had checked with our  
18       director who checked with Kyle to make  
19       sure that that was something we could do.

20                      So at that meeting at North  
21       Montco, we did include, I think in the  
22       present levels, a summary that she was  
23       not to come in contact with [REDACTED] [REDACTED]

24              Q.       Did you need to check to see

1 whether another student's name could be  
2 written in the IEP of [REDACTED]

3 A. For me, that was just  
4 something that I hadn't experienced  
5 before, and I don't know if our director  
6 had experienced that. So I think when  
7 mom made that request, we were just kind  
8 of checking that to ensure that we were  
9 able to include that.

10 Q. When including this  
11 information in [REDACTED] IEP, was that so,  
12 like, teachers and other people, anyone  
13 who had access to [REDACTED] IEP, would be  
14 aware of the situation?

15 A. Yes, anybody who would be  
16 able to read her IEP would see that.

17 Q. And as far as -- never mind.  
18 Strike that.

19 Did [REDACTED] mom explain --  
20 did Mrs. [REDACTED] explain why she  
21 wanted it in the IEP now?

22 A. I don't remember that she  
23 did.

24 Q. Do you know who had access



1 to be able to make scheduling changes? I  
2 know you said that that wasn't something  
3 on your level that you were able to do as  
4 the supervisor of special education.

5 Do you know who did have  
6 that ability to make schedule changes for  
7 students at North Penn High School?

8 A. I believe the building  
9 principal and the assistant principals of  
10 the home office, and I believe the  
11 counselors could make scheduling changes  
12 as well.

13 Q. When you say "counselors,"  
14 who are you referring to?

15 A. The guidance counselors that  
16 are assigned to a home office.

17 Q. Did you -- and those are  
18 guidance counselors for, like, the whole  
19 student body?

20 A. Yes.

21 Q. But then I assume because it  
22 was a large student body, they'd be  
23 separated by, like, last name as well?

24 A. Yes. So typically there's

1 two assistant principals per home office  
2 and then two counselors, and they're  
3 divided in that exact way, by last name.

4 Q. Okay. Did you ever find out  
5 who was the one who made this schedule  
6 change or how the schedule change  
7 happened here?

8 A. I don't know for sure. I  
9 believe that Dr. Bauer was able to  
10 confirm the date that the schedule change  
11 happened, but I don't remember exactly  
12 that date.

13 Q. Do you recall whether it was  
14 during the add/drop period or, like, in  
15 context of when other things happened?

16 A. I believe it was before  
17 school started.

18 Q. But after you had checked  
19 the schedules on the --

20 A. Yes.

21 Q. How did you find that out?

22 A. I believe Dr. Bauer shared  
23 that with me. I think when I actually  
24 talked with him after the claim was

1 public and printed in the paper.

2 Q. Okay. So it wasn't, like,  
3 during your in-person meeting with him?

4 A. No. At that time, it wasn't  
5 known.

6 Q. Okay. So when you had that  
7 conversation, the call with Dr. Bauer  
8 after you had read about the lawsuit that  
9 was filed, did he just share that  
10 information, like, to you out of the  
11 blue, or did you ask him, you know, how  
12 did this happen?

13 MS. JORDAN: Note my  
14 objection to the form of the  
15 question.

16 You can answer.

17 THE WITNESS: No. He  
18 just -- he shared that information  
19 with me, I think, knowing that  
20 that was my part in this larger  
21 case, and that was really just the  
22 extent of kind of what he shared  
23 with me in that phone call.

24 BY MS. LAUGHLIN:

1 Q. Okay. Was he -- do you know  
2 whether he was able to find out who was  
3 the one who made the change?

4 A. I don't.

5 Q. What about why the change  
6 was made? Was there any information  
7 given to you about that?

8 A. No.

9 Q. What about whether it was  
10 [REDACTED] schedule or [REDACTED] schedule  
11 that had changed?

12 A. I don't remember him sharing  
13 that.

14 Q. Do you recall exchanging  
15 emails with -- regarding this scheduling  
16 software to get the alert in [REDACTED]  
17 profile?

18 A. Yes.

19 Q. How did that come about for  
20 you to reach out to the -- to ask  
21 questions about getting an alert in  
22 [REDACTED] profile?

23 A. After she had reported that  
24 she was sexually assaulted and I was

1     talking, kind of conferring with our  
2     current director of special education to  
3     make sure that we really looked at what  
4     additional supports we would put in place  
5     for her, that was one of her  
6     recommendations, and I believe that  
7     required contacting a tech person at the  
8     district level rather than building  
9     level.

10           Q.     And that was Dr. Lucas you  
11     had that conversation with --

12           A.     Yes.

13           Q.     -- that you're referring to?  
14                   Is there other suggestions  
15     that Dr. Lucas made to you other than  
16     getting an alert put in [REDACTED] profile?

17           A.     She had advised printing  
18     just a note page that could be placed in  
19     her cumulative folder that outlined that  
20     this is a student that she could not be  
21     in contact with.

22           Q.     And when you say her  
23     cumulative file, what is a cumulative  
24     file for a student?

1           A.     Typically, that's, like, a  
2     paper-based file that follows a student  
3     through, you know, their start in the  
4     district until they graduate, and it  
5     houses copies of their IEPs, their report  
6     cards. Really that's the -- any medical  
7     information, any legal documents, like,  
8     in terms of who their guardian is, that  
9     type of information.

10           Q.     And that's kept in a paper  
11     file?

12           A.     Yes.

13           Q.     Like, so it's not in, like,  
14     a computer system or something like that,  
15     then; is that right?

16           A.     I don't know.

17           Q.     Where are the cumulative  
18     files kept at North Penn High School?

19           A.     There is an office that has  
20     filing cabinets right near the main  
21     office where Pete Nicholson's office is,  
22     and that is where the cumulative files  
23     are kept.

24           Q.     Who has access to the

1 cumulative files at North Penn High  
2 School?

3 A. I don't know. I do know  
4 that teachers can request access, but I  
5 believe the door is typically locked or  
6 it's secured in some way.

7 Q. Okay. Do you know why -- is  
8 there a different type of file that's  
9 kept electronically on a student?

10 A. I don't know. I do know in  
11 our student information system, you can  
12 find contact information; there's  
13 oftentimes medical information; there are  
14 alerts on a student's page that will show  
15 if they have an IEP or a 504, but I don't  
16 know if, like, their report cards are  
17 included in there or any other legal  
18 documents that pertain to the student.

19 Q. Why did Dr. Lucas suggest  
20 that a note page be put in [REDACTED]  
21 cumulative file about keeping them  
22 separate, [REDACTED] and [REDACTED]

23 A. I believe because, knowing  
24 that we had the knowledge that this had

1       been reported, just making sure that it  
2       was printed and included with all of her  
3       other records.

4               Q.       Meaning that -- when you say  
5       because you had the knowledge, what do  
6       you mean?

7               A.       That she had reported that  
8       she was sexually assaulted in early  
9       October.

10                      So the purpose of that page  
11       was really kind of printing it out. It  
12       was in writing that these students could  
13       not come in contact with each other, and  
14       that was included in her cumulative  
15       folder.

16               Q.       But other than that note  
17       being put in the cumulative folder, was  
18       anything else to happen with that  
19       document?

20               A.       No, not that I remember.

21               Q.       Am I correct in saying that  
22       for anybody to know that that note was in  
23       the cumulative folder, though, they'd  
24       have to get access to the cumulative file



1 and then look through the cumulative file  
2 and find that piece of paper in there?

3 A. Yes.

4 Q. Did Dr. Lucas explain or did  
5 you have an understanding as to how --  
6 what the purpose of having that in the  
7 cumulative file was if it just stays in a  
8 filing cabinet?

9 A. I believe the reasoning was  
10 should [REDACTED] ever decide that she wanted  
11 to return to North Penn High School, we  
12 would at least have that record within  
13 her cumulative file.

14 Q. If she were to return to  
15 North Penn High School, would that  
16 cumulative file be something that was  
17 reviewed upon her coming back, if you  
18 know?

19 A. I don't know.

20 Q. I know that you discussed  
21 putting an alert in for [REDACTED] profile  
22 or schedule if someone was going to  
23 change [REDACTED] schedule. Was it  
24 discussed about an alert being put into

1 [REDACTED] profile?

2 A. It was not.

3 Q. Do you know why?

4 A. I don't know.

5 Q. Would you agree with me that  
6 if there was only an alert in [REDACTED]  
7 file and not in [REDACTED]'s, that if  
8 [REDACTED] schedule got changed, no one  
9 would still be notified that they weren't  
10 supposed to be together? Is that right?

11 A. Yes.

12 Q. Did you -- have you  
13 discussed that with anybody, any of the  
14 district employees or anything about that  
15 possibility?

16 A. No.

17 Q. Is this the first time that  
18 that's been brought to your attention?

19 A. It's something that I have  
20 thought of since this case has happened,  
21 but it's not something that I've actively  
22 discussed with anybody in our district.

23 Q. When you thought of that  
24 happening, did you talk to anybody about

1       it or think of going to somebody about  
2       it:  Hey, this could be an issue?

3               A.       No.

4               Q.       Why not?

5               A.       I really -- it's honestly  
6       something that I thought of more recently  
7       in just knowing that I had this  
8       deposition coming up and this case has  
9       been on my mind and kind of thinking back  
10      to the whole scheduling piece.

11              But, no, I have not had an  
12      opportunity to talk about that with  
13      anybody.

14              Q.       Other than having a  
15      conversation with Pete Nicholson, the  
16      conversation with Mrs. [REDACTED] and  
17      then the meeting you had with Todd Bauer,  
18      were you a part of any other parts of the  
19      investigation into what happened and --  
20      like, other than what you've already told  
21      me?

22              A.       No.

23              Q.       I'm going to show you  
24      another couple pages and ask you some

1 questions about them.

2 The emails that we were  
3 discussing that you had with the district  
4 about adding the alert in the high  
5 school, you said that that had to go  
6 through the -- like, at the district  
7 level, not at the North Penn level,  
8 meaning North Penn High School level.

9 A. Yes.

10 Q. How did you find that out  
11 that it had to be at a district level  
12 situation, that a high school couldn't do  
13 that?

14 A. I don't know that the high  
15 school couldn't do that, but I believe in  
16 my conversation with Dr. Lucas, she had  
17 shared that either Kimberly Rantz, the  
18 person that I sent this email to, would  
19 be the person to go to, or she was going  
20 to be contacting our director of  
21 technology to find out who we would need  
22 to work with to make sure that this could  
23 happen.

24 Q. Did Dr. Lucas -- I know that

1     you mentioned that -- I think that you  
2     had told me that Dr. Lucas had said that  
3     at a different district, she had done  
4     something like this, putting an alert in  
5     a student's file; is that correct?

6             A.     Yes. I believe that that's  
7     where she had this idea.

8             Q.     Okay. And do you know  
9     whether she had ever done this prior --  
10    at North Penn School District prior to  
11    doing this for [REDACTED] now, meaning in  
12    October of 2018?

13            A.     I don't know.

14            Q.     I'm going over the emails  
15    that you had had with Ms. Rantz and  
16    see -- do you know whether there was any  
17    other communications that you had with  
18    Ms. Rantz or anybody else involving tech  
19    to get something put into [REDACTED]  
20    profile?

21            A.     I don't remember, but I  
22    believe that it was just Ms. Rantz.

23            Q.     Okay. Do you know -- you  
24    had mentioned that with this alert, that

1 if somebody just clicked off this alert,  
2 a schedule change could be made anyway.  
3 Do you remember telling me that?

4 A. Yes.

5 Q. Did you bring that up to  
6 anybody about, you know, this -- what  
7 could happen if somebody just clicked  
8 off?

9 A. I believe when I spoke with  
10 Dr. Lucas, that was something we had  
11 discussed, but this seems to be the best  
12 option for us to have some type of  
13 messaging within that system.

14 Q. Do you know whether there  
15 was an ability to prevent a schedule  
16 change for -- sorry. That's my question.

17 A. I don't know.

18 Q. I'm showing you Bates Number  
19 658 from the North Penn records. I'm  
20 sorry. This is actually -- I'm actually  
21 jumping over to the records that -- in  
22 the Doe production, Page 658.

23 Are these your notes that  
24 you had written down?

1 A. Yes.

2 Q. Okay. And the first part is  
3 about the apology call that you had made  
4 to Mrs. [REDACTED] right?

5 A. Yes.

6 Q. And you told her -- it says  
7 in this conversation that you shared, In  
8 no way could I understand what their  
9 family is going through, and then I  
10 apologized greatly that this situation  
11 came to be.

12 Do you see that?

13 A. Yes.

14 Q. When you say apologize  
15 greatly that that situation came to be,  
16 what are you referring to?

17 A. That [REDACTED] reported that  
18 she was sexually assaulted and that it  
19 was because she was in the same classroom  
20 as [REDACTED]

21 Q. Okay. When it says right  
22 below there, 10/11/18, Spoke with Ann  
23 Marie Lucas, director of special  
24 education, to ensure that she was aware

1 of this situation, is that the call that  
2 you had made to Dr. Lucas?

3 A. That was to make sure that  
4 she was aware that a student had reported  
5 that they were sexually assaulted.

6 Q. Was that your responsibility  
7 to call Dr. Lucas about that?

8 A. No, nobody shared with me  
9 that that was my responsibility. But she  
10 was my direct supervisor, so I felt it  
11 necessary to contact her.

12 Q. Okay. Because you were kind  
13 of almost shadowing under her while --  
14 before she transitioned to the elementary  
15 school role?

16 A. This is our director of  
17 special education, so she was really the  
18 point person for all of the special  
19 education supervisors.

20 Q. Okay. Prior to this call  
21 with Dr. Lucas, had you ever had any  
22 other conversations with Dr. Lucas about

23

24

A. No.



1           Q.     In the next -- or I guess  
2     two down, it says that you spoke with  
3     Dawn LeBlanc regarding [REDACTED] situation  
4     -- or sorry -- transition to full-time  
5     PYAP.

6                     What does PYAP stand for?

7           A.     I don't recall. I do know  
8     that at North Penn, when you're talking  
9     about a student that is at the tech  
10    school full-time, they're called PYAP. I  
11    don't remember exactly what those letters  
12    stand for.

13          Q.     Okay. And then you said  
14    that you shared ideas for the IEP team to  
15    consider regarding counseling support for  
16    [REDACTED] while at North Montco.

17                     And then it says, Currently,  
18    she receives group therapy first period  
19    six times per cycle.

20                     When it says six times per  
21    cycle, what does that mean?

22          A.     So the way that the high  
23    school operates is based on letter days,  
24    and there are six days within a cycle.

1       So obviously there's five days within a  
2       week. You might have A through E, and  
3       then the next day would be an F day, and  
4       it continues that rotation.

5                       So [REDACTED] was currently  
6       enrolled in a group therapy course that  
7       met with a counselor each morning during  
8       first period, and that happened every day  
9       of the cycle.

10               Q.       Okay. This says, This is  
11       something she could continue to receive  
12       before going over to the tech school.  
13       However, Mrs. [REDACTED] didn't want  
14       [REDACTED] to enter North Penn High School  
15       anymore.

16               A.       Right.

17               Q.       And then it says, Ms.  
18       LeBlanc -- or Dr. LeBlanc shared that if  
19       we were to provide counseling to [REDACTED]  
20       at North Montco, a room could be made  
21       available for this service.

22                       Do you recall having that  
23       conversation with Dawn LeBlanc?

24               A.       I do.

1 Q. And what was the outcome of  
2 that conversation? Was there a plan  
3 made?

4 A. So we know that we were  
5 coming together as an IEP team. I can't  
6 remember the exact date that we had a  
7 meeting scheduled, but I believe it was  
8 within that same week. And we were going  
9 to discuss the counseling support further  
10 so that we could include Mrs. [REDACTED]  
11 in that conversation too.

12 Q. Okay. Now, at North Penn  
13 High School, this was group therapy that  
14 [REDACTED] was receiving; right?

15 A. Correct.

16 Q. Was she going to be able to  
17 receive group therapy at North Montco as  
18 well?

19 A. Her therapy that would have  
20 happened at North Montco would have been  
21 individual. If she wanted to participate  
22 in the group therapy, that would have  
23 been offered during that first period at  
24 the high school just given the students

1       that required that type of support.

2                       But, you know, I kind of  
3       knew that we needed to have a Plan B  
4       because I knew that Mrs. [REDACTED] did  
5       not want her to return to the high  
6       school.

7                       Q.       So to be clear, that group  
8       therapy was not something that [REDACTED] was  
9       going to be able to get access to at  
10      North Montco; is that correct?

11                      A.       Correct.

12                      Q.       Is there anything else that  
13      you recall about that conversation with  
14      Dawn LeBlanc?

15                      A.       No.

16                      Q.       I'm showing you Doe Bates  
17      Number 1007. These are notes of Todd  
18      Bauer.

19                               Have you seen these before?

20                      A.       No.

21                      Q.       I just want to ask you some  
22      questions about what he wrote, and we'll  
23      go over that.

24                               It says, Todd explained --

1 Todd Bauer explained his understanding of  
2 how the students might have ended up in  
3 the same class after safeguards and  
4 measures to check the schedule to keep --  
5 it says the apart -- but them apart were  
6 put into place. Given Internet forensic  
7 evidence we completed on 8/9, had 0  
8 concurrent classes displaying in our  
9 systems online. It says, This would  
10 validate that Kate Small did check and  
11 they were kept apart when original  
12 scheduling occurred.

13 Do you know what the  
14 significance was of August 9th?

15 A. I don't, no.

16 Q. Do you know when students'  
17 scheduling gets, like, set up in the  
18 system?

19 A. I don't.

20 Q. Do you know what Internet  
21 forensic evidence Dr. Bauer is referring  
22 to?

23 A. I don't.

24 Q. It says, This would validate

1       that Kate Small did check and they were  
2       kept apart when original scheduling  
3       occurred. Then on 8/24, the schedules  
4       did coincide during a drop/add period.

5                   Is that consistent with your  
6       understanding after you learned from Mr.  
7       Bauer what had happened?

8           A.       Yes.

9           Q.       It says, Students must have  
10      requested changes that the scheduler at  
11      the time did not know were not to happen.

12                   Do you know what that's  
13      about?

14          A.       I don't.

15          Q.       It says, "the scheduler at  
16      the time." Do you know whether that's  
17      referring to somebody working in the  
18      scheduling office at North Penn High  
19      School?

20          A.       I believe so.

21          Q.       Did you have any  
22      conversations with Dr. Bauer about that?

23          A.       No.

24          Q.       Why do you believe that that

1 is talking about the scheduler being in  
2 the scheduling office?

3 A. I would just guess that that  
4 would kind of be the point person for  
5 who's doing these schedule changes.

6 But I guess that's not  
7 necessarily true. It could be the  
8 assistant principal; it could be somebody  
9 else who had the ability -- the building  
10 principal, somebody who had the ability  
11 to change the schedule.

12 Q. But would you agree with me  
13 that the principal and the assistant  
14 principal were aware that they shouldn't  
15 be in the same class together? Is that  
16 correct?

17 A. Yes.

18 Q. Okay. Here it says, Todd  
19 shared there's a process in place, but it  
20 failed [REDACTED]

21 Do you know what process was  
22 in place?

23 A. I don't know what he's  
24 referring to there.

1           Q.     Do you know whether there  
2     was a process in place at the district to  
3     keep two students apart from each other?

4           A.     I don't.

5           Q.     That was not something you  
6     ever, like, received training on or  
7     anybody told you about?

8           A.     No.

9           Q.     On the following page, on  
10    1008 -- just give me one second. I need  
11    to find the part on the page.

12                   Right here towards the  
13    bottom. I'm sorry. I'll start here.

14                   It says, Kate did look at  
15    the schedules, but then a change occurred  
16    in the system after. Someone, not a case  
17    manager or principal, made the change.

18                   Not an excuse, but I understand it  
19    happened in error. It says, Kate made  
20    changes on paper only and communicated to  
21    certain team members including principal.

22                   Do you know what changes you  
23    made on paper only?

24           A.     No.



1 Q. You're not sure what he's  
2 referring to there?

3 A. No.

4 Q. Was there anything that you  
5 had, like, written down on paper at the  
6 time?

7 A. No. All of my notes from  
8 that meeting were digital on that Google  
9 document. That could be referring to  
10 Megan who did take a note and submitted a  
11 schedule change to the scheduling office.  
12 That might be what that's referring to.

13 Q. Okay. But as far as you  
14 know, the scheduling change that was  
15 made, that was just so [REDACTED] could get  
16 the emotional supports that were needed;  
17 right?

18 A. Yes.

19 Q. And the emotional support  
20 change that was being made, that was a  
21 special education-type class; is that  
22 correct?

23 A. Yes. It was a special  
24 education course.

1           Q.     Okay.  So the general  
2     education students would not have been a  
3     part of that change; is that correct?

4           A.     Correct.

5           Q.     When you had emailed Pete  
6     Nicholson and Kyle Hassler to let them  
7     know that an alert had been added into  
8     e-school for [REDACTED] why did you notify  
9     the two of them?

10          A.     I think because that they  
11     were the two people that I had kind of  
12     consulted on this from the beginning, so  
13     I wanted them to know -- Pete, of course,  
14     is the building principal, and Kyle as  
15     [REDACTED] direct home office assistant  
16     principal -- that if there was a time  
17     that there was going to be discussion  
18     about her returning to North Penn High  
19     School, we did have that alert in the  
20     system now.

21          Q.     And what did they say to  
22     you, if anything?

23          A.     I don't remember.

24          Q.     Do you recall whether they

1       -- either one of them had responded to  
2       you?

3               A.       I don't.

4               Q.       You said that you had been  
5       notified that Mrs. [REDACTED] received a  
6       request for records, for [REDACTED]  
7       records?

8               A.       Yes.

9               Q.       How did you find out about  
10       that?

11              A.       I believe one of the  
12       secretaries from -- one of our special  
13       education secretaries emailed me to let  
14       me know that that request had been made,  
15       I think. I'm pretty certain.

16              Q.       Okay. When you got that  
17       request, what did you do?

18              A.       I connected again with Ann  
19       Marie Lucas about the process that we  
20       take to be able to get those records to a  
21       parent.

22              Q.       And what do you recall from  
23       that discussion with Dr. Lucas? What did  
24       you talk about?

1           A.     I remember her sharing that  
2     there's typically a small fee that  
3     parents pay to be able to obtain those  
4     records, and that I could work with the  
5     secretary who supported me and the  
6     buildings that I worked in to be able to  
7     pull and gather those materials, and then  
8     there would also be a thumb drive that  
9     those documents would be saved to as  
10    well.

11           Q.     Did you have any -- when you  
12    received the request that Mrs.  
13    ██████████ was requesting ██████████ whole  
14    file, what was your reaction?

15           A.     I wasn't surprised because I  
16    knew that she was upset about, of course,  
17    you know, the situation that had  
18    happened. So it wasn't surprising to me,  
19    and I just kind of went through the  
20    motions of what we would need to do to  
21    gather those documents for her.

22           Q.     Did you talk to anybody,  
23    whether it was Dr. Lucas or anybody else,  
24    about your reaction to it, about how you

1 weren't surprised and what this was going  
2 to look like in gathering these  
3 documents?

4 MS. JORDAN: Note my  
5 objection to the form of the  
6 question.

7 You can answer.

8 THE WITNESS: At this time,  
9 I believe we were just in the  
10 process of gathering her special  
11 education documents from her time  
12 at North Penn.

13 BY MS. LAUGHLIN:

14 Q. And was that something that  
15 you were tasked to do?

16 A. Yes.

17 Q. And was it just -- what you  
18 were in charge of doing, was that just  
19 limited to special education documents at  
20 North Penn High School?

21 A. No. That was her  
22 documentation from the time she began  
23 receiving special education services.

24 Q. So all the way from

1 elementary school?

2 A. Yes.

3 Q. And that was your  
4 responsibility to get those documents  
5 from elementary school all the way up  
6 through high school as far as the  
7 education -- or sorry -- special  
8 education file went?

9 A. That became the secretary's  
10 responsibility. She has access to the  
11 system, so she was able to pull all of  
12 that and make photocopies and load all of  
13 that onto a thumb drive.

14 Q. What about in terms of  
15 emails and stuff that had been exchanged  
16 regarding [REDACTED] Was that also part of  
17 your responsibility?

18 A. So that came at a second  
19 request which came to our cabinet level  
20 administrators, a request from a legal  
21 team, I believe, requesting all of  
22 [REDACTED] records. So at that point, we  
23 moved through the process of, like, I  
24 sent out emails sharing that there was a

1 litigation hold and that any teacher,  
2 counselor, administrator that had worked  
3 with [REDACTED] needed to gather their  
4 records and that they would be collected  
5 as part of this process.

6 Q. How did you know that you  
7 were the one to do that?

8 A. Dr. Lucas, I believe, asked  
9 me to send out those emails.

10 Q. So would you agree with me  
11 that you were in charge of, like,  
12 compiling -- like, sending out the emails  
13 letting people know what they needed to  
14 compile and then collecting all of the  
15 documentation?

16 A. Yes.

17 MS. JORDAN: Note my  
18 objection to the form of the  
19 question.

20 BY MS. LAUGHLIN:

21 Q. If people had responded to  
22 you that, like, things had been deleted,  
23 what did you do about that?

24 A. I don't remember that

1 anybody had responded that, but I was not  
2 responsible -- I was responsible for  
3 gathering documentation that people had  
4 in terms of, like, her school work, you  
5 know, anything that would have been  
6 related to [REDACTED] There was a separate  
7 process for collecting all of the emails.  
8 I was not involved in that process.

9 So I really went to the  
10 buildings where [REDACTED] had formerly been  
11 a student, stopped into the main office,  
12 and picked up big file folders of things  
13 that people had from over the years. The  
14 technology piece was handled separately.

15 Q. Okay. The letter that you  
16 had made to -- added to the cumulative  
17 file that Dr. Lucas had spoken to you  
18 about from October 18th, 2018, do you  
19 recall whether any revisions were made to  
20 that letter before it became in final  
21 form to place into the file?

22 A. I don't. I do know that I  
23 shared that with Dr. Lucas and with Pete  
24 Nicholson as well. I don't remember if



1       there were revisions that were made.

2               Q.       Okay. Why did you share it  
3       with Mr. Nicholson and Mr. Bauer?

4               A.       It was Mr. Nicholson and Dr.  
5       Lucas, and I believe --

6               Q.       I'm sorry.

7               A.       It's okay.

8                       I believe that I just shared  
9       it with them so that they knew that this  
10      was going to be printed and placed in her  
11      cumulative folder.

12              Q.       And I'm going to show you  
13      the letter to make sure we're talking  
14      about the same thing.

15                     This is Doe production  
16      Number 366. Is this the letter you're  
17      referring to?

18              A.       Yes.

19              Q.       Is this something that you  
20      typed up and drafted?

21              A.       Yes.

22              Q.       When you sent it to Pete  
23      Nicholson and Dr. Lucas, how did you send  
24      that to them? Was it, like, an email

1 Word document?

2 A. I don't remember.

3 Q. And what did -- what did  
4 either of them say in return before it  
5 was placed in the file?

6 A. I remember Pete saying this  
7 looks good, and it was printed and then  
8 placed in her file.

9 Q. Okay.

10 A. He may have even seen a  
11 paper copy before this was printed and  
12 placed in her file.

13 Q. Was a letter like this also  
14 placed in [REDACTED] file?

15 A. No.

16 Q. Why not?

17 A. That was not something that  
18 was ever discussed. I think our concern  
19 at this point in time was making sure  
20 that we had all of this documented in  
21 [REDACTED] records.

22 Q. Did it ever come up with Dr.  
23 Lucas or Mr. Nicholson about putting  
24 anything in [REDACTED] file after this

1 incident?

2 A. No, not that I remember.

3 Q. I'm going to show you a  
4 document from the North Penn production.  
5 I'm going to ask you some questions about  
6 it. This is the North Penn Bates Number  
7 590. This is an email from Wendy  
8 [REDACTED] to you and Mr. Nicholson.

9 Do you recall receiving this  
10 email?

11 A. Yes.

12 Q. And this was dated October  
13 -- I'm sorry -- October 17th, 2018. So  
14 this would have been after you had the  
15 phone call with Mrs. [REDACTED] and  
16 after --

17 A. Yes.

18 Q. -- you were aware that  
19 [REDACTED] had been sexually assaulted by  
20 [REDACTED] in 10th grade; correct?

21 A. Yes.

22 Q. Okay. I want to go to the  
23 third paragraph. And it says, I  
24 appreciate your apologies, offers of

1 support, and assurances that you would  
2 get to the bottom of how [REDACTED] and  
3 [REDACTED] ended up in the same class  
4 together despite our instructions,  
5 meeting with the NPHS staff, and IEP  
6 meetings with North Montco.

7 The "offers of support," do  
8 you know what she's referring to there?

9 A. I don't.

10 Q. Do you know whether -- did  
11 Pete Nicholson also have a telephone  
12 conversation with Mrs. [REDACTED]

13 A. He did.

14 Q. Okay. And as far as you  
15 know, that's how he knew to call you to  
16 ask you questions about what had  
17 happened?

18 A. Yes.

19 Q. Do you recall assuring Mrs.  
20 [REDACTED] that you would get to the  
21 bottom of how [REDACTED] and [REDACTED] ended up  
22 in the same class together?

23 A. I do know that I shared with  
24 her that that was going to be looked

1       into.

2                   Q.       Do you know whether Pete  
3       Nicholson had also apologized to Mrs.

4       ██████████

5                   A.       I do know that he called  
6       her, but I don't know what the context of  
7       their conversation was.

8                   Q.       Now, after the meeting on  
9       August 22nd, 2018, you were aware that  
10      ██████████ and ██████████ couldn't be in contact  
11      with each other; correct?

12                  A.       Yes.

13                  Q.       And that's because there was  
14      an incident where ██████████ was hurt by  
15      ██████████ in some capacity prior to that  
16      time; correct?

17                  A.       Yes.

18                  Q.       And the purpose of them not  
19      being in contact was so ██████████ could be  
20      kept safe from ██████████ correct?

21                  A.       Yes.

22                  Q.       Pete Nicholson was aware of  
23      those things as well; correct?

24                  A.       Yes.

1           Q.     You worked with Ms. Matje,  
2     Ms. Schoppe, and Mr. Nicholson and the  
3     assistant principal, Kyle Hassler, to put  
4     a safety plan in place to prevent [REDACTED]  
5     and [REDACTED] from being in contact;  
6     correct?

7           A.     That -- we did develop a  
8     safety plan for her, but that was after  
9     the assault had happened in October, and  
10    that was to support her at the tech  
11    school to ensure that this did not happen  
12    again.

13          Q.     Okay.  Let me rephrase,  
14    then.

15                 You worked with those people  
16    I just mentioned to put a plan in place  
17    to prevent them from being in contact  
18    with each other; correct?

19          A.     Yes.

20          Q.     The thing that you did  
21    personally was you checked the schedules  
22    around August 23rd or -- I think August  
23    23rd; correct?

24          A.     Yes.

1           Q.     And that's the way you  
2     described it, by pulling up the one  
3     schedule, printing out the other, and  
4     checking to see if there were any classes  
5     that were the same?

6           A.     Correct.

7           Q.     You didn't tell any of  
8     [REDACTED] teachers about what was going  
9     on; correct?

10          A.     Correct.

11          Q.     And you didn't tell her case  
12     supervisor; is that true too?

13          A.     Correct.

14          Q.     You didn't tell the  
15     scheduling office at all about what was  
16     going on?

17          A.     Correct.

18          Q.     You would agree with me that  
19     [REDACTED] was then put in a social studies  
20     class with [REDACTED] right?

21                   MS. JORDAN: Note my  
22                   objection to the form of the  
23                   question.

24     BY MS. LAUGHLIN:

1           Q.     They were placed in the same  
2     social studies class?

3           A.     Yes.   At some point in time,  
4     they were in the same social studies  
5     class.   Yes.

6           Q.     At the beginning of the  
7     school year; right?

8           A.     I believe so, but I did not  
9     become aware of that until after her --  
10    she reported the sexual assault in  
11    October.

12          Q.     Okay.   And in that social  
13    studies class that they were in together,  
14    they actually had assigned seats next to  
15    each other; right?

16          A.     I only knew that information  
17    from reading the lawsuit.

18          Q.     Okay.   Would you agree with  
19    me that them being in the same social  
20    studies class, that was not agreed to, or  
21    something that was not agreed to at that  
22    8/22/18 meeting?   Correct?

23                   MS. JORDAN:   Note my  
24                   objection to the form of the



1 question.

2 You can answer.

3 THE WITNESS: Yes.

4 BY MS. LAUGHLIN:

5 Q. And then after they were put  
6 in the same social studies class at North  
7 Penn High School, [REDACTED] was then  
8 sexually assaulted by [REDACTED] in the  
9 classroom; is that true?

10 MS. JORDAN: Note my  
11 objection to the form of the  
12 question. You're asking her to  
13 speculate. She has no firsthand  
14 knowledge.

15 BY MS. LAUGHLIN:

16 Q. Well, do you know? Do you  
17 know if she was sexually assaulted by  
18 [REDACTED] in the classroom?

19 MS. JORDAN: Note my  
20 objection. It's alleged she was.  
21 That's all she knows.

22 BY MS. LAUGHLIN:

23 Q. Okay. Were you aware that  
24 it was alleged that she was sexually

1       assaulted by [REDACTED] in the classroom?

2               A.       Yes.

3               Q.       And that's what you and the  
4       team on 8/22 were trying to prevent; is  
5       that right?

6                       MS. JORDAN: Note my  
7       objection to the form of the  
8       question.

9       BY MS. LAUGHLIN:

10              Q.       Her being sexually assaulted  
11     by [REDACTED]

12                     MS. JORDAN: Note my  
13     objection to the form of the  
14     question.

15                     You can answer.

16                     THE WITNESS: You know, at  
17     that meeting, we were preventing  
18     these two students -- attempting  
19     to prevent these two students from  
20     coming in contact with one  
21     another.

22     BY MS. LAUGHLIN:

23              Q.       And that was not prevented;  
24     is that right?

1 A. Correct.

2 Q. Were you involved at all in  
3 the investigation into what happened in  
4 Mr. Borgmann's social studies class?

5 A. No.

6 Q. Did you have any involvement  
7 or discussions with Mr. Nicholson or Mr.  
8 Hassler about interviewing students?

9 A. No.

10 Q. I'm going to show you Doe  
11 production 664 and ask you a question  
12 about it.

13 Where it says October 23rd,  
14 2018 here, it says, Met with Lindsey  
15 Riggin to answer follow-up questions  
16 regarding how to enter specific  
17 components into [REDACTED] IEP.

18 What did this involve?

19 A. I believe she had questions  
20 regarding how we fill in -- like, now  
21 that -- so [REDACTED] was still going to be a  
22 North Penn School District student, but  
23 she would not be in the building at all,  
24 how we would kind of logistically outline

1       that within the IEP.

2               Q.       Was that something that you  
3       had dealt with before?

4               A.       No.

5               Q.       You had mentioned earlier  
6       about having an IEP meeting after [REDACTED]  
7       was going to be transferring to North  
8       Montco. Was that the October 19th, 2018  
9       IEP meeting?

10              A.       Yes.

11              Q.       And just for the record, I'm  
12       referring to the North Penn production  
13       Bates Number 529.

14                      Do you know whose notes  
15       these are?

16              A.       Kyle Hassler was our note  
17       taker at that meeting.

18              Q.       So he's, like, at the  
19       meeting typing on a laptop or something  
20       like that?

21              A.       Yes.

22              Q.       Did you get to review these  
23       notes at all to see if they were accurate  
24       or if you agreed with what he's

1       documenting here?

2               A.       I did not.

3               Q.       What do you remember, other  
4       than what you've already told us, about  
5       this IEP meeting for [REDACTED]

6               A.       I remember when we started  
7       the meeting, Mrs. [REDACTED] was there,  
8       but [REDACTED] was not present. Mrs.  
9       [REDACTED] wanted to address the team  
10      before [REDACTED] was brought into the  
11      conversation.

12              And we opened the meeting by  
13      again apologizing that we had to be in  
14      this situation. And I kind of shared  
15      with the team that I wanted -- you know,  
16      we weren't going to be able to fix what  
17      had happened in this meeting, but I  
18      wanted to focus our conversation around  
19      reviewing supports that we could put in  
20      place to ensure that [REDACTED] had a smooth  
21      transition to North Montco and that she  
22      would have options to have her needs met  
23      within that building.

24              Q.       And this is you talking at

1 the meeting when you're describing for me  
2 what was just said?

3 A. Yes.

4 Q. Okay. When you said you  
5 apologized, what -- do you remember what  
6 you said in this meeting to everybody?

7 A. I remember just apologizing  
8 that we had to be in that situation and  
9 that [REDACTED] was no longer going to be  
10 attending North Penn High School. But it  
11 was very brief, and then, you know, I  
12 kind of set the stage for us to really  
13 talk about the supports that she would  
14 need for continued success at North  
15 Montco.

16 Q. Okay. And other than Kyle  
17 taking down notes on his laptop, do you  
18 know whether this meeting was recorded at  
19 all?

20 A. I had a paper copy of the  
21 IEP that I believe I was just taking  
22 handwritten notes right on the document.

23 Q. Okay. I mean, was there  
24 any, like, audio recording or video

1 recording of what was being said in the  
2 room?

3 A. No.

4 Q. In any of the other  
5 conversations we discussed, whether it  
6 was the 8/22 meeting or the conversations  
7 you had with Pete Nicholson or anybody  
8 else, do you know whether any of those  
9 conversations were recorded in any way?

10 A. No.

11 Q. Even though [REDACTED] at this  
12 point was going to be going to North  
13 Montco full-time, why is -- why was,  
14 like, the North Penn High School -- like,  
15 Kyle Hassler, why was he still involved  
16 in this meeting?

17 A. So part of what we wanted to  
18 discuss was how we could provide  
19 resources to North Montco to be able to  
20 support [REDACTED] there. So part of that  
21 conversation was providing a counselor  
22 who was affiliated with North Penn High  
23 School to come to North Montco to provide  
24 support for [REDACTED] there and therapy at

1     that building. And we discussed, you  
2     know, some other options that we could  
3     consider that would require North Penn to  
4     provide those resources to North Montco.

5             Q.     Even though [REDACTED] was now a  
6     full-time student at North Montco  
7     Technical School, was she still, like,  
8     under the supervision of North Penn  
9     School District?

10            A.     I believe she was still  
11     considered a registered student within  
12     the North Penn School District. So  
13     Lindsey Riggan, for example, she attended  
14     this meeting as the North Penn School  
15     District case manager, and then she also  
16     worked very closely with one of the  
17     teachers at North Montco to communicate  
18     and to keep everybody on the same page  
19     regarding [REDACTED] needs and what was  
20     going on.

21            Q.     Okay. At the bottom of this  
22     page, it says, [REDACTED] sabotaged meeting  
23     with investigator because she was afraid  
24     she won't get support.



1 Do you recall this part of  
2 the IEP meeting?

3 A. I don't.

4 Q. Did you know at this time in  
5 the meeting who the Title IX coordinator  
6 was?

7 A. Yes. It was Cheryl McHugh,  
8 who was our director of human resources.

9 Q. And was that the Title IX  
10 coordinator for the entire North Penn  
11 School District?

12 A. Yes.

13 Q. In any of your conversations  
14 with Mrs. [REDACTED] did you tell her,  
15 like, that Mrs. McHugh was the Title IX  
16 coordinator?

17 A. I don't remember.

18 Q. Do you remember whether  
19 there was ever a discussion with any of  
20 the district employees that you had  
21 spoken to about talking to Mrs. McHugh  
22 about what had happened in 10th grade  
23 with [REDACTED]

24 A. I don't remember.

1           Q.     As the supervisor of special  
2     education, do you know whether you had  
3     any responsibility to communicate what  
4     had happened with [REDACTED] at North Penn  
5     High School to the Title IX coordinator?

6           A.     I heard about this incident  
7     through Pete. And while I don't remember  
8     Pete telling me that he contacted Cheryl  
9     McHugh, I think that I believed that that  
10    was likely part of the internal  
11    investigation and really looking into  
12    what had happened. But I don't remember  
13    him saying that to me specifically, and I  
14    did not contact her directly.

15          Q.     Where did you get that  
16    understanding?

17          A.     Just, you know, through my  
18    conversation about what the next steps  
19    would be in terms of the investigation.

20          Q.     But nobody said anything to  
21    you specifically about contacting Ms.  
22    McHugh or the Title IX coordinator?

23          A.     Not that I remember, no.

24          Q.     I'm going to go to the North

1 Penn 530 and just ask you, when it's  
2 talking about KS, do you know is that  
3 you, things that you're saying at the  
4 meeting?

5 A. Yes, I believe so.

6 Q. Okay. Here it says, Talked  
7 about consultation with counselor  
8 strategies for teachers. If need more  
9 academic or behavioral support, come back  
10 to table to bring in more supports.

11 Do you recall what was  
12 discussed at this point in this meeting?

13 A. I think that may have been  
14 regarding counselor support that could be  
15 provided to [REDACTED] So we kind of  
16 started the conversation saying that we  
17 would be able to provide daily counseling  
18 to [REDACTED] and I remember Mrs.

19 [REDACTED] saying that she felt like  
20 that was too much at that moment in time.

21 So I believe we agreed on  
22 the counselor coming to see [REDACTED] one  
23 time per week and then consulting with  
24 all of her teachers.

1           Q.     Okay. To see how she was  
2     doing and what she might need going  
3     forward?

4           A.     Yes.

5           Q.     At the very top of the page  
6     where it says DL, it says, Is it possible  
7     to continue class or contact with RS?

8                     Do you know who RS is  
9     referring to?

10          A.     I don't, no.

11          Q.     Okay. Here it says -- right  
12     before that, it says, Can we add grade  
13     monitoring? And then your response was,  
14     It is in the SDI. We need to relook at  
15     it.

16                     What is SDI?

17          A.     Specially designed  
18     instruction.

19          Q.     Okay. What are you saying  
20     here? What was the discussion, if you  
21     can recall?

22          A.     I believe that, based on  
23     those notes, we wanted to talk about  
24     looking at a way to specifically monitor

1       ██████████ progress and her courses so that  
2       we didn't have a situation again where  
3       she was failing a course and might not be  
4       able to get that credit.

5               Q.       Okay.  It says, IEP team  
6       should outline communications between  
7       case managers, will have a meeting.

8                       What was -- what  
9       communications were they going to be  
10      outlining?

11              A.       There was a plan for  
12      communication between ██████████ point  
13      person regarding special education at  
14      North Montco and Lindsey Riggini who would  
15      continue to be her case manager of record  
16      at North Penn High School.

17              Q.       Okay.  Then you recall  
18      ██████████ had joined the meeting at that  
19      point?

20              A.       Yes.

21              Q.       Do you recall what, if  
22      anything, ██████████ had said or contributed  
23      to the meeting once she joined?

24              A.       Yes.  So I remember

1 reviewing all of the specially designed  
2 instruction and talking to [REDACTED] and  
3 asking her if she felt that there was  
4 anything missing from her IEP or that we  
5 needed to add additional supports to help  
6 her to be successful. She -- one of her  
7 requests was that she wanted to have a  
8 water bottle that she was able to carry  
9 around with her in the building, so that  
10 was an easy SDI to add to the document.

11 Q. Is there anything else you  
12 remember other than what you just told  
13 us?

14 A. I remember her  
15 participating. I remember her, you know,  
16 acknowledging when people were speaking  
17 with her and I remember her demeanor.  
18 Just she was overall, you know, positive  
19 and was an active member of the meeting.

20 Q. I know you had conversations  
21 with Mrs. [REDACTED] about what had  
22 happened, but did you ever have any  
23 conversations with [REDACTED] about what  
24 happened to her in 10th grade?

1           A.     I did not.

2           Q.     Do you know whether anybody  
3     from North Penn High School had had  
4     conversations with [REDACTED] about what had  
5     happened?

6           A.     I don't know.

7           Q.     As part of the meeting, you  
8     were then discussing about a safety plan  
9     being in place. Do you recall that?

10          A.     Yes.

11          Q.     What do you remember about  
12     the implementation of the coming up with  
13     a safety plan for [REDACTED]

14          A.     I remember that Dawn LeBlanc  
15     and I had worked on that plan together  
16     with input from other members at North  
17     Montco to make sure that we had some  
18     strategies to ensure that [REDACTED] and  
19     [REDACTED] would not come in contact with one  
20     other at North Montco.

21          Q.     Okay. And do you know why  
22     this was something at North Montco that  
23     was focused for [REDACTED] to have a safety  
24     plan and not [REDACTED]

1           A.     I don't.

2                   MS. LAUGHLIN:   Why don't we  
3           take another five-minute break?

4                   THE WITNESS:   Thank you.

5                   THE VIDEOGRAPHER:   We're off  
6           the record.   The time is 2:09.

7                   (Whereupon, a brief recess  
8           was held.)

9                   THE VIDEOGRAPHER:   We're  
10          back on the record.   The time is  
11          2:15.

12       BY MS. LAUGHLIN:

13               Q.     Ms. Small, I'm going to  
14       share my screen with you for a second.

15               A.     Sure.

16               Q.     And I'm showing you North  
17       Penn's Bates production Number 504, and I  
18       see there -- this is the IEP, and there's  
19       some -- for [REDACTED] and there's some  
20       handwriting on there with a star, and it  
21       says Revision Meeting 10/19/18.

22                   Is that your handwriting?

23               A.     It is, yes.

24               Q.     And throughout the course of



1     this IEP, there's other pages with  
2     handwriting. Is that your handwriting as  
3     well?

4             A.     Yes.

5             Q.     Okay. And are you taking  
6     these handwritten notes on the IEP during  
7     this 10/19 meeting?

8             A.     Yes.

9             Q.     That will then be  
10    incorporated into, like, the printed IEP?

11            A.     Yes.

12            Q.     On the Doe production Page  
13    664, it says on October 30th, 2018 that  
14    you shared the safety plan with Ann Marie  
15    Lucas.

16                    Do you see that?

17            A.     Yes.

18            Q.     Why did you share the safety  
19    plan with her on that date?

20            A.     Since she was my direct  
21    supervisor, I wanted her to have a copy  
22    of that safety plan that was developed.

23            Q.     At this point, was Dr. Lucas  
24    expecting that you were going to be

1 reporting to her with all the updates  
2 from what was happening with [REDACTED]  
3 situation?

4 A. Typically, our director of  
5 special education would become involved  
6 in many of our cases when we know that we  
7 need another level of eyes to be a part  
8 of this. So Dr. Lucas would kind of look  
9 over things that I would share with her.  
10 I don't think it was a requirement that I  
11 was sharing with her, but I did this to  
12 get feedback from her and to make sure  
13 that I was on the right track with  
14 planning for [REDACTED]

15 Q. Were you part of any  
16 discussions about any discipline for  
17 [REDACTED] after the 10th grade incident?

18 A. No.

19 Q. Were you a part of any  
20 discussion about whether [REDACTED] would be  
21 removed from North Penn High School  
22 following the incident?

23 A. No.

24 Q. Was there any discussions

1       that you were a part of trying to  
2       accommodate [REDACTED] so she would be able  
3       to stay at North Penn High School instead  
4       of transferring full-time again to the  
5       tech school?

6               A.       I believe that through a  
7       conversation with Mrs. [REDACTED] which  
8       may have been when I initially called her  
9       to apologize, we had briefly discussed  
10      her staying at North Penn. But that was  
11      not something that Mrs. [REDACTED] was  
12      interested in, so that was not a  
13      discussion moving forward.

14             Q.       When you say that you  
15      discussed with her the possibility of her  
16      staying at North Penn High School, were  
17      there certain things that you had, like,  
18      offered to put in place for her, or was  
19      it just, like, does she want to stay and  
20      Mrs. [REDACTED] said no?

21             A.       I believe it was just along  
22      the lines of does she want to stay, kind  
23      of putting that out there. And then we  
24      heard that the answer to that was no.

1           Q.     Okay.  Are you aware of  
2     anything with [REDACTED] and his involvement  
3     at the high school, like the types of  
4     activities he was involved in or anything  
5     like that?

6           A.     No.  I did read in the  
7     lawsuit that he was a football player,  
8     but I did not know that until having read  
9     that in the lawsuit.

10          Q.     Okay.  What is your role  
11     currently with North Penn School  
12     District?

13          A.     I'm currently an  
14     instructional coach.  So I do  
15     professional development in the district  
16     and I support teams of teachers in  
17     working with students with disabilities  
18     and inclusive settings.

19          Q.     And is that -- do you have a  
20     specific school that you're assigned to?

21          A.     No.

22          Q.     It's, like, anywhere within  
23     the district?

24          A.     Yes.

1 Q. When did you start that  
2 role?

3 A. This past school year.

4 Q. So the 2020 to 2021 school  
5 year?

6 A. Yes.

7 Q. It's my understanding that  
8 following the incident with [REDACTED] in  
9 October, you were no longer holding the  
10 role of supervisor of special education  
11 and have been moved back into the  
12 classroom; is that correct?

13 A. Correct.

14 Q. And that happened November  
15 of 2018; is that right?

16 A. Correct.

17 Q. Why did -- why at that point  
18 were you moved from the role of  
19 supervisor back to the classroom?

20 A. That was something that I  
21 had requested, and that was a  
22 conversation that I had started before  
23 this incident with [REDACTED] had happened in  
24 October. I just felt that the job was

1 not a fit for me, so I wanted to return  
2 to a teaching role.

3 Q. When you said the job wasn't  
4 a fit for you, what do you mean?

5 A. I just missed my ability to  
6 work directly with students.

7 Q. Did you recognize that you  
8 were having any kind of issues with the  
9 role, like the administration role that  
10 you were in?

11 A. No.

12 Q. And you said that had  
13 started prior to October, you having that  
14 conversation.

15 Who were you having the  
16 conversation with?

17 A. Dr. Rufo, who was our  
18 assistant superintendent.

19 Q. When did you first have  
20 those conversations with Dr. Rufo?

21 A. Likely towards the middle or  
22 end of September.

23 Q. Was Dr. -- was Mr. Nicholson  
24 aware of you trying to switch out of that

1       role back to the classroom?

2               A.       I don't know that he was  
3       aware of that, no.

4               Q.       As far as you know, was  
5       anybody else in the district other than  
6       Dr. Rufo aware that you were trying to  
7       switch out of that role and back into the  
8       classroom?

9               A.       Not that I had told, no.

10              Q.       If those conversations  
11       started at the end of September, do you  
12       know why it was that you weren't  
13       transitioned back to the classroom until  
14       November?

15              A.       Yes, because they didn't  
16       have somebody to fill my position. So  
17       when I had talked with Dr. Rufo, she had  
18       said, you know, would you be willing to  
19       stay in this role until January, because  
20       in January would be the time that our  
21       current supervisor would need to decide  
22       whether she was returning to the position  
23       or if it could be offered as a new  
24       position. So I agreed to that.

1                   And then in the short term,  
2           there was another administrator that was  
3           looking for a change. And so he was able  
4           to step into that role and I returned to  
5           teaching.

6                   Q.       Do you know who that  
7           administrator was who filled in for that  
8           role?

9                   A.       Yes, Dr. Broxterman.

10                  Q.       That was Neil Broxterman?

11                  A.       Yes.

12                  Q.       Was there any kind of  
13           discipline at all that you received due  
14           to what happened with the scheduling  
15           issue and stuff like that?

16                  A.       No.

17                  Q.       Did you receive any  
18           additional training following the  
19           incident?

20                  A.       No.

21                  Q.       Are you aware of any new  
22           policies or anything put in place after  
23           the scheduling issue that happened?

24                  A.       I know that we have a new



1 student information system. But in terms  
2 of policy, no.

3 Q. When you say "student  
4 information system," what do you mean?

5 A. The system that we house all  
6 of our current student information.

7 Q. When was that enacted or  
8 implemented?

9 A. I believe in 2019.

10 Q. Do you know when in 2019?

11 A. I don't.

12 Q. Like, for example, was it,  
13 like, the 2018-2019 school year or the  
14 following school year?

15 A. I think it was at the  
16 beginning of the 2019-2020 school year.

17 Q. Do you know whether the  
18 decision to change the student  
19 information system had anything to do  
20 with what happened to [REDACTED] in her 10th  
21 grade year?

22 A. I don't.

23 Q. Are there any emails that  
24 you're aware of being part of or that you

1 sent or received regarding what happened  
2 in [REDACTED] 10th grade year that we  
3 haven't gone over?

4 A. No.

5 Q. Did you send any text  
6 messages to anybody involving what had  
7 happened at the time or since that time?

8 A. No.

9 Q. Are there any other  
10 conversations you had with anybody  
11 involving [REDACTED] incident that we  
12 didn't talk about?

13 A. No.

14 Q. Did you keep any kind of,  
15 like, journal or diary or anything around  
16 this time period?

17 A. No.

18 MS. LAUGHLIN: Those are all  
19 the questions I have for you.

20 THE WITNESS: Okay.

21 MS. JORDAN: Thanks, Kate.  
22 You're done.

23 THE WITNESS: Thank you.

24 THE VIDEOGRAPHER: That

1 concludes today's deposition. The  
2 time is 2:25.

3 (Whereupon, the deposition  
4 was concluded at approximately  
5 2:25 p.m.)

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CERTIFICATION

I, EILEEN P. BARTH, hereby certify that the testimony and proceedings in the foregoing matter are contained fully and accurately in the stenographic notes taken by me and are a true and correct transcript of the same.



---

EILEEN P. BARTH  
Certified Shorthand  
Reporter

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying shorthand reporter.

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# EXHIBIT “L”

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 JANE DOE : CIVIL ACTION NO.  
4 : 2:20-CV-05142  
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AUGUST 24, 2021

REMOTE ZOOM deposition of  
DAWN LeBLANC, taken pursuant to notice,  
commencing at 10:00 a.m., on the above  
date, before LISA MARIE CAPALDO, RPR, a  
Registered Professional Reporter and  
Notary Public in and for the Commonwealth  
of Pennsylvania.

GOLKOW LITIGATION SERVICES  
877.370.3377 ph| 917.591.5672 fax  
deps@golkow.com

1 APPEARANCES:

2

FREIWALD LAW, P.C.

3 BY: LAURA E. LAUGHLIN, ESQUIRE

1500 Walnut Street, 18th Floor

4 Philadelphia, PA 19102

(215) 875-8000

5 Lel@freiwalddlaw.com

-- For the Plaintiff

6

7 HENDRZAK & LLOYD

BY: SUSAN LLOYD, ESQUIRE

8 3701 Corporate Center Parkway, Suite 100

Center Valley, PA 18034

9 (610) 709-8705

Susan.lloyd@zurichna.com

10 -- For the Defendant

11

WISLER PEARLSTINE, LLP

12 BY: KYLE J. SOMERS, ESQUIRE

460 Norristown Road, Suite 110

13 Blue Bell, PA 19422

(610) 825-8400

14 Ksomers@wispearl.com

-- For the Defendant

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Testimony of: DAWN LeBLANC

By Ms. Laughlin	5
By Ms. Lloyd	60

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E X H I B I T S  
- - -

NO.	DESCRIPTION	PAGE
	(No exhibits were marked.)	



1                    (It is hereby stipulated and  
2                    agreed by and between counsel that  
3                    sealing, filing and certification  
4                    are waived; and that all  
5                    objections, except as to the form  
6                    of questions, be reserved until  
7                    the time of trial.)

8                    - - -

9                    DAWN LeBLANC, after having  
10                   been duly sworn, was examined and  
11                   testified as follows:

12                   - - -

13                   EXAMINATION

14                   - - -

15                   BY MS. LAUGHLIN:

16                   Q.        Good morning, Dr. LeBlanc.

17                   A.        Good morning.

18                   Q.        My name is Laura Laughlin.

19                   I represent Jane Doe which is [REDACTED]

20                   [REDACTED] in this case.

21                              You're here to give a  
22                   deposition. I have some questions to ask  
23                   you about [REDACTED] experience at North  
24                   Montco and North Penn High School that I

1 understand that you had some  
2 conversations and things like that.

3 Do you understand that?

4 A. Yes, absolutely.

5 Q. I appreciate you taking the  
6 time. I know it's not great timing.

7 If you need to take a break  
8 for any reason today, just let us know  
9 and you can do so, okay?

10 A. Okay.

11 Q. Have you ever given a  
12 deposition before?

13 A. No, I don't think so, at  
14 least not via Zoom. I've testified in  
15 several special needs cases over the  
16 years, but I don't think I've done a  
17 deposition.

18 Q. So I'll give you a few  
19 ground rules that will hopefully make  
20 this go a little bit easier today.

21 Since there's a court  
22 reporter, Ms. Capaldo, that's taking down  
23 everything that's said, a transcript will  
24 be created with my questions and your

1     answers.   Only one person can speak at a  
2     time, okay?   Is that yes?

3                A.     Yes.

4                Q.     The second thing is going to  
5     be, since she's taking everything down,  
6     it's going to be whatever you say is your  
7     answer.   So all your answers have to be  
8     verbal.

9                        So in normal conversation,  
10    we say huh-huh and nod our head, but  
11    you'll have to say yes or no so that it  
12    can actually be recorded on the  
13    transcript, okay?

14               A.     I understand.

15               Q.     Everybody does it, though.

16               A.     I'm sure.   It's just part of  
17    our language.

18               Q.     I'll try and follow up with  
19    you.

20                       In normal conversation,  
21    sometimes we anticipate where the person  
22    is going with their question and we start  
23    answering before the question is over, I  
24    might start asking my next question.   We

1 really have to wait until one person is  
2 finished speaking before the other one  
3 starts.

4 So if you're not done saying  
5 your answer before I start asking my  
6 question, just let me know and I'll let  
7 you finish, okay?

8 A. Okay.

9 Q. If there's any question I  
10 ask that you're not sure what I'm asking  
11 or it doesn't make sense, just let me  
12 know and I'll try and rephrase it so you  
13 do understand.

14 A. Okay.

15 Q. I don't want you to guess at  
16 anything.

17 A. Absolutely. It was a few  
18 years ago. So I'll tell you everything  
19 that I remember, but I don't have  
20 anything in front of me.

21 It's all my memory and my  
22 experience. Now that I'm retired, I  
23 don't have any of that paperwork.

24 Q. That's completely fine. The

1 next instruction I was going to say is,  
2 since it was a few years ago, if you  
3 don't remember the exact date or the time  
4 of day, that's okay.

5 But you can estimate. If  
6 you're able to give a reasonable  
7 estimation, just let us know that's what  
8 you're doing, okay?

9 A. Okay.

10 Q. I know you said you are  
11 retired now. Prior to retirement, you  
12 were the principal of North Montco  
13 Technical School?

14 A. Yes, I was.

15 Q. How long did you serve in  
16 that role?

17 A. I started working at North  
18 Montco in 1994, five years, and then was  
19 the principal until I retired.

20 Q. What did you teach when you  
21 were teaching there?

22 A. I taught social studies and  
23 English.

24 Q. At some point, did you go

1 and get a principal certification or  
2 something like that to become principal?

3 A. Yes, I did. I did my  
4 educational leadership. Actually, I got  
5 my certification and then my doctorate in  
6 educational leadership and also my  
7 vocational director certification at the  
8 same time.

9 Q. And I know we're here today  
10 to talk about [REDACTED] [REDACTED] and some  
11 of the things that occurred back in the  
12 2017 to 2019 time frame.

13 Do you remember [REDACTED]  
14 [REDACTED]

15 A. Yes, I do.

16 Q. How did you first meet her  
17 or come in contact with her?

18 A. She came to the office very  
19 upset. She said that she had passed a  
20 student in the hallway that she wasn't  
21 supposed to be around. And just seeing  
22 him upset her.

23 She was in a different part  
24 of the building, but passed him coming to



1 the office. And that's kind of where we  
2 got involved.

3 We weren't familiar with  
4 anything between her and another student.  
5 She was in automotive. He was in  
6 drafting.

7 So at that point in time, we  
8 kind of came up with a game plan of how  
9 we could keep her feeling safe in our  
10 building with this other student that was  
11 there.

12 Q. When you say this other  
13 student, are you referring to [REDACTED]

14 [REDACTED]

15 A. Yes, I am.

16 Q. When you say that she came  
17 to the office very upset because she had  
18 seen this student or passed him in the  
19 hallway, do you recall that conversation  
20 when [REDACTED] came in?

21 A. Well, she came in upset. We  
22 didn't know anything about it. So it was  
23 more asking questions, how do you know  
24 this student? Why did he upset you?

1                   She told us she had been --  
2   it was in middle school. So she was not  
3   in the same middle school with this  
4   student.

5                   And then apparently, the  
6   middle school sent him to North Montco,  
7   that communication of them being  
8   separated was never -- for some reason,  
9   it was never given to us.

10                  Maybe one middle school  
11   didn't know the other one was sending  
12   him. There's a lot of different people  
13   or groups in sending a kid to the tech  
14   school. So it probably wasn't done  
15   purposely, but it was just done -- it  
16   just happened that way.

17                  Q.     Meaning that somebody from  
18   the district didn't communicate to North  
19   Montco that these two kids were now going  
20   to be at the same school?

21                  A.     Yes.

22                  Q.     Did [REDACTED] explain to you --  
23   I know you just told us about her  
24   transferring middle school to avoid

1 [REDACTED]

2 But did she tell you why,  
3 what the history was between the two of  
4 them?

5 A. Yes.

6 Q. Can you tell us about that?

7 A. She said that she had been  
8 sexually assaulted by this student  
9 several times in elementary school. And  
10 that it was somehow observed by a  
11 teacher, but then -- I don't know all the  
12 details.

13 Like I said, it was a while  
14 ago. Something about they thought they  
15 were going to get in trouble if they told  
16 the teacher or something or they would  
17 get in trouble if they didn't tell.

18 Then it came out, I guess.  
19 I don't know how it came out, that it  
20 actually happened, down the road. That  
21 detail is a little foggy.

22 She had explained that. And  
23 then, obviously, with her being upset, I  
24 did reach out to her mother and let her

1 know what was going on at school and why  
2 [REDACTED] was upset. And she kind of filled  
3 in -- the same information that [REDACTED]  
4 had said.

5 Q. You said that this was news  
6 to the district. I'm sorry. This was  
7 news to North Montco that the district  
8 didn't communicate that in advance of  
9 [REDACTED] and [REDACTED] coming to North Montco  
10 in ninth grade. Is that correct?

11 A. That is correct.

12 Q. Were you familiar with  
13 [REDACTED] before this incident where [REDACTED]  
14 had come to your office upset?

15 A. No, never saw the student.  
16 Never heard of the student.

17 Q. An allegation of sexual  
18 assault, like you had said, prior to a  
19 student coming to North Montco, is that  
20 something typically that the district  
21 would make North Montco aware of?

22 A. I would think so, yeah, of  
23 course. If there's anything out there,  
24 they can't be near each other or if

1   there's a situation where a student is  
2   feeling uncomfortable around another  
3   student, what we generally do is have a  
4   plan of safety so that they are not  
5   around each other.

6                   And without having that  
7   information, we couldn't have a plan of  
8   safety. Once we found out, we put that  
9   into play.

10                Q.     So to find that information  
11   out, do you typically rely on the  
12   district that is sending in the student  
13   to the tech school?

14                A.     Yes. Usually, it would come  
15   with the application information. Every  
16   guidance counselor has to sign off on the  
17   application to go to North Montco.

18                   I don't know even if the  
19   middle school knew of the situation or  
20   not. That was out of my control. I  
21   don't know where the communication  
22   failed, but it failed.

23                Q.     Is it important to be aware  
24   of or to be told of allegations of sexual

1 assault against a student that is coming  
2 to North Montco?

3 A. Absolutely.

4 MS. LLOYD: Objection to  
5 form.

6 BY MS. LAUGHLIN:

7 Q. Why is that important?

8 A. It's a matter of safety.  
9 Whether it's physical safety or emotional  
10 safety, it's not fair to keep exposing  
11 that student to a student that had  
12 assaulted them in any case.

13 We've had situations before  
14 where we did have students in similar  
15 situations. And until the court found  
16 them guilty, they were still allowed to  
17 be in the same building.

18 With that said, we had  
19 safety plans for them so that they would  
20 not be near each other.

21 Q. In those situations you just  
22 described, is that something where the  
23 district would have communicated that to  
24 you and then you implement a safety plan?

1                   Is that what you are  
2 referring to?

3           A.       Yeah.   Yeah.

4           Q.       And just to clarify, for  
5 North Montco, is it only North Penn  
6 District students that are coming to the  
7 tech school?

8           A.       No.   It's five school  
9 districts and several private schools.  
10 Do you want me to name them?

11          Q.       That's okay.   Are they all  
12 kind of surrounding North Penn?

13          A.       Yes, the Northern Montgomery  
14 County area.   That's the area that North  
15 Montco serves.

16          Q.       About how many students are  
17 in -- you said the class is ninth grade,  
18 tenth grade, 11th grade, 12th grade.

19          A.       That varies.   I'm not sure  
20 where it is now.   When I retired, we had  
21 approximately 1,200 students over four  
22 grades.   Divide that by four.   Probably  
23 less ninth graders.   Some districts don't  
24 send ninth grade.

1                   So I don't know what the  
2 numbers are currently. The most I've  
3 ever seen in our building is about 1,200  
4 students over four grades.

5           Q.     Once [REDACTED] had come to you  
6 in your office -- you may not know the  
7 exact date.

8                   Can you estimate for me when  
9 in the school year that she came to your  
10 office upset?

11          A.     I think it was pretty early,  
12 like September of her freshman year,  
13 maybe towards the end of September. I  
14 hadn't met her yet. I know it was close  
15 to that time frame.

16          Q.     And after she had come to  
17 you, I know you said that you had a  
18 conversation with [REDACTED] and then you  
19 said you had a conversation with her  
20 mother, Mrs. [REDACTED]

21                   Did you talk with anybody  
22 from the North Penn School District or  
23 the high school or anyone about what had  
24 come to light to you?



1           A.     I think we first reached out  
2     to the middle school to find out -- they  
3     were the ones who sent their applications  
4     over.

5                     So I think [REDACTED] was at  
6     Pennbrook, I think, or she was going to  
7     be. Penndale was where he was. So they  
8     moved her to Pennbrook.

9                     So we did reach out to them.  
10    I'm not even sure if they were completely  
11    aware of the situation. I think it was  
12    lack of communication all the way around.

13                    I don't think Penndale  
14    really knew. I don't know where the  
15    communication altered or not. It seemed  
16    like nobody was really aware of it until  
17    we called the district office.

18           Q.     So do you remember who you  
19    spoke to? Was it the middle school  
20    principal?

21           A.     I believe so, yeah, or  
22    guidance counselor. My guidance  
23    counselors were working with either one  
24    to get the applications.

1                   We were kind of working  
2 together to find out where this had  
3 happened and how can we fix it pretty  
4 much.

5           Q.     I just want to ask you a  
6 couple of more questions about these  
7 middle school conversations before we go  
8 to the district office conversations that  
9 you had.

10                   Do you recall whether you or  
11 through the middle school's review what  
12 Penndale Middle School had provided to  
13 North Montco along with [REDACTED]  
14 application?

15           A.     It was just his application.  
16 There wasn't anything -- on the  
17 application, we look for grades,  
18 discipline, attendance records, as well  
19 as an IEP if that went along with it.

20                   There was nothing indicating  
21 in his file that they had to be apart or  
22 whatever.

23           Q.     When you say it indicates  
24 discipline, is there a question on the

1 form that says, has this person had any  
2 -- this student had any disciplinary  
3 issues or something?

4 A. Yeah, they would print off  
5 the discipline record from the district.  
6 All five districts do this. It's part of  
7 the application, that they would print  
8 off the discipline record that went with  
9 the student.

10 Q. Can you recall whether  
11 [REDACTED] had a disciplinary record that was  
12 attached to his application?

13 A. I can't recall. The fact  
14 that he was accepted into a program like  
15 drafting where there's usually a list  
16 would indicate to me that there really  
17 wasn't much on there. That's usually  
18 very competitive.

19 Honestly, I don't remember.  
20 I know that the guidance counselor looked  
21 at his form, accepted him, and didn't see  
22 anything that was out of control or crazy  
23 or indicated that he should be separated  
24 from [REDACTED] There was nothing in there

1     about that.

2                 Q.     When you say out-of-control  
3     crazy, just to get a sense of what you're  
4     talking about, is the right word that it  
5     red flags a student at that point?

6                 A.     Yes.  If somebody had  
7     extensive discipline where they brought a  
8     knife to school or assaulted someone and  
9     was suspended for fighting five times, we  
10    would look at it.  Discuss it with the  
11    middle school, usually guidance, maybe  
12    start the student on a contract, you  
13    know, not saying that they can't come,  
14    but, hey, we have a zero tolerance  
15    policy, that kind of thing.

16                Maybe have a meeting ahead  
17    of time to let the student know that  
18    we're going to support them.  We're going  
19    to let them come to North Montco, but  
20    this behavior can't continue, that type  
21    of thing.

22                Q.     I know you're saying you  
23    don't recall off the top of your head  
24    exactly what, if any, disciplinary file

1     you were given for [REDACTED] [REDACTED] when he  
2     applied.

3                     But if there was something  
4     on there that was harassment, like sexual  
5     harassment, would that have been  
6     something like a red flag that you would  
7     have checked into more?

8             A.     Yes, absolutely.

9             Q.     Do you recall having any  
10    conversation with Penndale Middle School  
11    about [REDACTED] history of harassment in  
12    middle school?

13            A.     No, I never had any  
14    conversation at all with Penndale. I  
15    didn't even know who this student was  
16    until [REDACTED] pointed him out.

17            Q.     Are there any other  
18    conversations that you recall having with  
19    Penndale or Pennbrook Middle School about  
20    the situation with [REDACTED] and [REDACTED] that  
21    we haven't already talked about?

22            A.     No.

23            Q.     You said that you had also  
24    called the district office, North Penn

1 School District. Was it the  
2 administration office?

3 A. Yes.

4 Q. Do you remember who you  
5 spoke to?

6 A. There was a couple of times  
7 I did speak to Dr. Dietrich, but I can't  
8 quite remember was it this situation or  
9 the second situation that I talked to  
10 him.

11 It was always a nice  
12 conversation. I brought it to his  
13 attention. I think he was aware of the  
14 previous situation, but he was not aware  
15 that both kids were in the middle school  
16 at the same time.

17 So I talked to him about  
18 having a plan of safety for her. He was  
19 very appreciative and was going to look  
20 into what happened so that something like  
21 this couldn't happen again.

22 I recommended that maybe  
23 [REDACTED] changed her school time so that we  
24 could really keep an eye on her in that

1 small environment. She liked being at  
2 the tech school.

3 So he seemed to be fine with  
4 that and appreciative that we were  
5 putting that into place. And I got  
6 permission, because we usually don't take  
7 ninth graders full time at North Montco.  
8 So I also got permission from my  
9 supervisor at the time to allow her to  
10 come in at ninth grade because that was a  
11 special circumstance.

12 She felt more comfortable in  
13 our building. We had plenty of people to  
14 look out for her. We changed her  
15 schedule so that she wouldn't be near  
16 [REDACTED] It seemed to be a win, win.

17 Q. You had said, I think, that  
18 Dr. Dietrich -- and that's Curt Dietrich,  
19 right?

20 A. Yes.

21 Q. He didn't know that [REDACTED]  
22 and [REDACTED] were going to be in the same  
23 middle school at the same time?

24 A. North Montco at the same

1 time, yes.

2 Q. You said that Dr. Dietrich  
3 was aware of the prior situation.

4 Can you be more specific?

5 A. I think the assault  
6 situation that happened with [REDACTED] and  
7 [REDACTED] in elementary school.

8 Q. And how do you know that he  
9 was aware of that when you talked to him?

10 A. I don't know. Just through  
11 conversation, it just led me to believe  
12 that he knew of that situation but that  
13 it had been several years earlier.

14 So now that they are in  
15 middle school -- at two separate middle  
16 schools, it probably didn't cross a lot  
17 of people's mind that they would go to  
18 the tech school.

19 Q. Did Dr. Dietrich tell you or  
20 did you get the impression that he was  
21 aware of the assault in elementary  
22 school?

23 Did he tell you, oh, I know  
24 what you're talking about? How did you



1 get that impression from him?

2 A. Just through conversation.

3 I spoke with a lot of administrators  
4 about a lot of different things. It just  
5 seemed like he was aware of the  
6 situation.

7 And maybe it got to the  
8 middle, and then kind of lost touch with  
9 the situation. And it never crossed  
10 anybody's mind that they may end up at  
11 the tech school together.

12 Q. Was Dr. Dietrich glad that  
13 you had brought it to his attention?

14 A. I don't know if he was glad.  
15 He seemed very appreciative that we were  
16 on top of it and we were going to come up  
17 with a safety plan for [REDACTED] and make  
18 some changes to her schedule so that she  
19 was in a safe environment and we were  
20 looking out for her.

21 Q. Did you believe [REDACTED] when  
22 she was telling you this and that she  
23 didn't want to be around [REDACTED] and the  
24 reasons why?

1           A.       Absolutely. I think it was  
2 pure just fear and maybe some PTSD. I've  
3 done this for a long time and worked with  
4 a lot of kids. It never crossed my mind  
5 that it was not truthful.

6           Q.       Can you describe her  
7 demeanor or what was it about the  
8 situation or [REDACTED] coming to you that  
9 made you believe her?

10          A.       She was just anxious and  
11 just the look on her face and her stance  
12 and her just shaking. She was in fear.  
13                I think she didn't expect to  
14 see him. Then she saw him. And then it  
15 was just pure fear. She froze. She  
16 shook. There was no reason not to  
17 believe her. She was an upset kid.

18          Q.       And you had also said in one  
19 of the earlier questions I asked you that  
20 [REDACTED] had felt more comfortable in your  
21 building and that's why you and the team  
22 at North Montco were implementing a  
23 safety plan so she could feel safe there.

24                Why did [REDACTED] feel more

1 comfortable in your building?

2 A. She chose to go to North  
3 Montco. Basically, from her  
4 conversation, she got sent to Pennbrook  
5 to be away from [REDACTED] She felt like  
6 she was being punished as the victim  
7 because she had to be removed from all of  
8 her friends that were at Penndale.

9 So she didn't have any  
10 friends at Pennbrook. So when she got to  
11 North Montco, she felt part of the  
12 automotive class. And her teacher really  
13 kept an eye on her and made sure that she  
14 was feeling safe.

15 It's just a smaller  
16 environment. So we were able to make her  
17 schedule so that she never had to go by  
18 him. If there was some type of activity,  
19 we gave her the option to attend or not  
20 attend and that kind of thing.

21 It's a smaller environment.  
22 Kids thrive in different environments.  
23 For a lot of kids, they feel very  
24 comfortable and at home at the tech

1 school. And I think [REDACTED] felt that  
2 way.

3 We believed her, took  
4 action, and came up with a plan right  
5 away. And I think she appreciated that  
6 as a kid going through this.

7 Q. This is for the ninth grade  
8 year that you implemented the safety  
9 plan, right?

10 A. Yes.

11 Q. Did the plan work for North  
12 Montco? Was [REDACTED] able to keep away  
13 from [REDACTED]

14 A. Yes. Yes. We had a great  
15 thing. We never had any type of  
16 altercation or time where she flipped out  
17 and was in his presence and we didn't  
18 know it.

19 We really stayed on top of  
20 it. We were able to look out for her.

21 Q. I know you said you talked  
22 to Curt Dietrich about this.

23 Did you ever talk to the  
24 principal at North Montco at this point?

1           A.       At North Montco?

2           Q.       I'm sorry. At North Penn --  
3 I apologize -- Pete Nicholson?

4           A.       Not during this situation  
5 because he was at the middle school.  
6 When the situation evolved at the high  
7 school, when [REDACTED] ended up going back  
8 to the high school, then I did speak with  
9 Pete, yes.

10          Q.       When you say middle school,  
11 just to clarify for the record, the  
12 middle school in the North Penn School  
13 District goes from seventh to ninth  
14 grade. Is that right?

15          A.       Yes.

16          Q.       And then the high school  
17 starts at tenth grade and goes through  
18 12th grade?

19          A.       Yes.

20          Q.       After the safety plan was  
21 implemented and you had your conversation  
22 with Curt Dietrich and the different  
23 middle schools' administration, is there  
24 anything else that is happening in

1 [REDACTED] ninth grade year in terms of  
2 [REDACTED] or communications with the North  
3 Penn School District?

4 A. Not that I recall, no.

5 Q. Was there an IEP meeting at  
6 the end of her ninth grade year?

7 A. Yes, there was. There was  
8 an IEP meeting. She was doing great, but  
9 she wasn't doing well academically in the  
10 full-time program. That was a concern  
11 that are we giving her enough support  
12 academically.

13 Obviously, she's going  
14 through a hard time, but we still needed  
15 her to perform and meet the criteria of  
16 the full-time program.

17 So as an IEP team, they  
18 decided she may be better off back at the  
19 high school. That wasn't always the --  
20 not everybody on the IEP team believed  
21 that. But as a team, that was the  
22 decision that was made.

23 Q. You said that you weren't  
24 sure if [REDACTED] had enough support

1       academically at North Montco, right?

2               A.       Yes.

3               Q.       [REDACTED] had a prior history  
4 of ADHD, right?

5               A.       Yes.

6               Q.       If you know, what kind of  
7 academic supports are there at North  
8 Montco compared to the district?

9               A.       Well, I know she -- I know  
10 this off of the top of my head. It was a  
11 special needs teacher, Mrs. Dabinski.

12               So [REDACTED] had a support room  
13 that she could go to if she was  
14 struggling with her academics. That was  
15 Mrs. Dabinski. She was the special needs  
16 teacher. And [REDACTED] spent a lot of time  
17 in there working on her academics. She  
18 felt comfortable in there for sure.

19               Her teacher felt like she  
20 used that room too often. That was one  
21 of the concerns they brought up at the  
22 IEP meeting.

23               Q.       Were there -- I know you  
24 said you had Mrs. Dabinski at North

1 Montco.

2 Do you know whether there  
3 were additional supports in the main  
4 district school, whether at Pennbrook or  
5 North Penn High School?

6 A. No. She was at North Montco  
7 all the time. That was the kind of thing  
8 that was discussed at the IEP meeting,  
9 that she might have additional support if  
10 she went back to the high school more  
11 than what North Montco could offer.

12 Q. So at the end of this IEP  
13 meeting, it's decided that [REDACTED] is  
14 going to go to North Penn High School for  
15 tenth grade part time. Is that right?

16 A. Yes.

17 Q. How was [REDACTED] reaction to  
18 that?

19 A. She was very upset by it for  
20 sure. She liked being at North Montco.  
21 And it was -- from what I remember, she  
22 was upset. Mom was upset.

23 The team felt like they  
24 couldn't support her as much as what she



1 needed. So maybe with additional  
2 academic support and counseling  
3 support -- the high school has a lot of  
4 resources.

5 I know they -- I think she  
6 saw -- in the morning, if I recall,  
7 before she came to North Montco. But I  
8 don't remember that completely.

9 I had a lot of kids who saw  
10 people before they came for emotional  
11 support reasons, but I know the district  
12 had a lot of support options for her at  
13 the high school. And I think that was  
14 why it was decided that she would go  
15 back.

16 Q. Were you part of any  
17 transition-type meetings, getting [REDACTED]  
18 prepared to go from North Montco to North  
19 Penn High School?

20 A. No, I really wasn't a part  
21 of -- after the IEP meeting, I'm not  
22 quite sure exactly what kind of meeting  
23 took place.

24 She was still going to

1 attend North Montco, but I'm not sure if  
2 there was any transition meetings or not.

3 I know there was a schedule  
4 made for her at the high school and that  
5 kind of thing. Other than that, I wasn't  
6 a part of it.

7 Q. So students that attend  
8 North Montco that are technically North  
9 Penn School District students, was there  
10 any program or online portal that you  
11 could input information about North  
12 Montco students to the district?

13 A. Only their grades. The  
14 grades would get sent to the district  
15 every marking period. They really didn't  
16 have access to the system, the records  
17 and all of that kind of stuff.

18 Q. For example, this safety  
19 plan that you had implemented for [REDACTED]  
20 to be kept away and safe from [REDACTED]  
21 there was nothing the district had that  
22 you could have implemented or put into a  
23 system that they would have been  
24 notified. Is that right?

1           A.     No.  Not that I know of, no.

2           Q.     Is there anything about  
3 ninth grade, any of the conversations  
4 we've talked about or meetings about  
5 [REDACTED] and [REDACTED] that we haven't already  
6 talked about?

7           A.     I don't think so.  I think  
8 that sums it up.  The years kind of blend  
9 for me, but I think that pretty much sums  
10 up ninth grade.

11          Q.     Then in tenth grade, does  
12 [REDACTED] end up going part time to North  
13 Penn High School and North Montco?

14          A.     I believe it was tenth or  
15 11th grade, yes.  It's not -- I know she  
16 was going there part time and then coming  
17 to North Montco.

18                 That's where she came to me  
19 upset again about something going on in  
20 the social studies class.

21          Q.     It's not a memory game.

22                 I can represent to you from  
23 the records that [REDACTED] tenth grade  
24 year is when she had transitioned and was

1 going to be trying out going to North  
2 Penn High School part time and North  
3 Montco.

4 A. That's what I thought.

5 Q. So you said that in tenth  
6 grade the next thing you remember is  
7 [REDACTED] came to you upset again. Is that  
8 what you said?

9 A. Yes.

10 Q. Tell me about that.

11 A. She said that -- this was  
12 like a couple of weeks or so into the  
13 school year. It wasn't right at the  
14 beginning.

15 She came upset. Finally, I  
16 got it out of her that [REDACTED] was in her  
17 social studies class and sat right next  
18 to her and had tried to touch her, even  
19 during class. And she said the teacher  
20 wasn't aware and whatnot.

21 So I think that's when I  
22 notified Mom and that's when I talked to  
23 Pete Nicholson.

24 Q. Can you tell me about --

1    when you said you notified Pete  
2    Nicholson, did you call him on the phone  
3    or how did you notify him?

4           A.     Yes, I called him.

5           Q.     Can you tell me what you  
6    remember about that conversation with  
7    Pete Nicholson?

8           A.     Just what I told you about  
9    the history.  There was a history between  
10   ██████████ and this other student.  And I was  
11   under the impression that they shouldn't  
12   be near each other.

13                   And he was very concerned  
14   and said he was going to look into it.  I  
15   don't think he was aware of it.  Somehow  
16   it got scheduled without anybody knowing  
17   that there was that history there.

18           Q.     So as far as you knew at  
19   that time -- did Pete tell you -- did  
20   Pete Nicholson tell you whether he was  
21   aware of any kind of history between  
22   ██████████ and ██████████

23           A.     I don't recall, but I don't  
24   believe he was.

1 Q. Why do you say you don't  
2 believe he was?

3 A. Because he seemed surprised.  
4 Not that he wouldn't be concerned anyway.  
5 Of course, he would be concerned.

6 But I think somehow the  
7 information from the middle school didn't  
8 always get to the high school, kind of  
9 like it didn't get to North Montco.

10 There's so many cooks in the  
11 kitchen. And sometimes all the  
12 information doesn't get where it needs to  
13 be.

14 Q. Are you aware or did you  
15 ever hear of any meetings that [REDACTED] and  
16 Mrs. [REDACTED] had had with North Penn  
17 administration before she started  
18 tenth-grade year about the incident  
19 between [REDACTED] and [REDACTED] Were you  
20 aware of any of those meetings?

21 A. I know they had an IEP  
22 meeting at the high school. I'm not  
23 sure. Obviously, I was aware that they  
24 would discuss that, but I wasn't there

1 for that.

2 Q. When you say that principal  
3 Nicholson was very concerned, what gave  
4 you that impression?

5 Did he say things? Was it  
6 the way he was saying things?

7 A. Just the way he was saying  
8 things. In my time -- so in having a  
9 conversation, it was almost like, oh, my  
10 God.

11 Just hearing about -- the  
12 situation seemed like almost bizarre.  
13 And we hear a lot of things as  
14 administrators, but I think it was like,  
15 wow, we got to do something about this  
16 right away type of thing.

17 He didn't seem like he had  
18 known anything about it ahead of time.  
19 He didn't say whether he did or not for  
20 sure.

21 Q. When you're having this  
22 conversation with him and he seemed very  
23 concerned, did you get the impression  
24 from talking to him whether he believed

1    what you were saying about [REDACTED]  
2    disclosures to you?

3           A.     I would think so.  Yeah, he  
4    seemed to believe.  I was one hundred  
5    percent -- after knowing what happened  
6    before to her, it wasn't shocking that --  
7    it was just extremely upsetting to find  
8    out that this kid was sitting right next  
9    to her in social studies class.

10           Q.    Did [REDACTED] talk to you at  
11   all about whether [REDACTED] had, in fact,  
12   touched her in the social studies class  
13   at North Penn High School?

14           A.    Yes.  She mentioned --  
15   again, it was quite a while ago.  I know  
16   she mentioned him putting his hand on her  
17   leg and whatnot while they were in class  
18   working in group.

19                   Him putting his hand on her  
20   leg while they were just in class working  
21   together.

22           Q.    You said [REDACTED] putting his  
23   hand on [REDACTED] leg?

24           A.    Yes.



1           Q.     Do you know where on her leg  
2 he was putting his hands?

3           A.     Well, I would think like  
4 towards her private area because I know  
5 it was concerning to her. That's one of  
6 the things she brought up right away, he  
7 was touching her inappropriately. That  
8 leads me to assume -- I wasn't there. I  
9 didn't see it. It was someplace on her  
10 body that she felt very uncomfortable.

11          Q.     Other than talking about --  
12 let me ask this: Did [REDACTED] ever talk to  
13 you specifically about how he was  
14 inappropriately touching her in the  
15 social studies class?

16          A.     That was pretty much what  
17 she indicated to me. He was touching her  
18 leg inappropriately and making her feel  
19 uncomfortable.

20          Q.     Did she say anything about  
21 him touching her private areas to you?

22          A.     That's what she indicated,  
23 yeah. That's what made her uncomfortable  
24 was that he was -- she made it sound like

1 he was assaulting her by touching her  
2 inappropriately in those areas while in  
3 class.

4 Q. I'm trying to understand. I  
5 know it's sometimes difficult to talk  
6 about, especially when we're talking  
7 about private areas and things like that.

8 So I apologize in advance,  
9 but the details are important here. So  
10 I'm essentially trying to ask follow-up  
11 questions to understand exactly what she  
12 told you and where she was touched and  
13 the extent -- because you said he touched  
14 her leg, but then you were also referring  
15 to private areas.

16 Can you describe for me in  
17 detail -- I know it's uncomfortable. I  
18 apologize.

19 Can you describe for me in  
20 detail where [REDACTED] was telling you that  
21 [REDACTED] had touched her in the social  
22 studies class?

23 A. She indicated that he  
24 touched her on her upper leg near her

1 private area. She didn't go into detail.  
2 I don't know specifically exactly what  
3 part he touched her.

4 The fact that -- to me, I  
5 interrupted it as that he assaulted her,  
6 probably touching close to her vagina  
7 area above her jeans but yet still in  
8 that area that made her extremely  
9 uncomfortable and come to us hysterical  
10 about it.

11 Q. You said she came to you  
12 hysterical about it?

13 A. Yes.

14 Q. You said it gave you that  
15 impression that she was assaulted.

16 Can you describe for me what  
17 gave you that impression that she was  
18 assaulted?

19 A. Well, just the way she  
20 explained that he touched her above her  
21 jeans but in her private area and how  
22 upset she was and back to the shaking and  
23 crying and just that demeanor.

24 You can't make that up. You

1 can't make up that emotional response to  
2 something like that as far as I'm  
3 concerned. She was genuinely upset.

4 Q. I guess I'm trying to  
5 clarify because you just told me now that  
6 she told you that he had touched her in  
7 her private area.

8 A. I don't know if she exactly  
9 made that specific comment, but that's  
10 what I heard. He touched her improperly  
11 above her jeans.

12 I assume that it was her  
13 private area. She didn't show me. She  
14 didn't like give me a specific body  
15 anatomy part. That's what I assumed.

16 Q. When you say above her  
17 jeans, what do you mean?

18 A. She had her jeans on. She  
19 was sitting there. They were in class.  
20 So obviously, he couldn't get in her  
21 jeans, but he touched her in that spot  
22 but on top of her jeans.

23 Q. When you say in that spot,  
24 what are you referring to?

1           A.     Like her private area.  
2     Above her leg probably close to her  
3     vagina is what I assume. I don't know.  
4     She didn't give me that specific, but  
5     that's what I assumed from our  
6     conversation.

7           Q.     Did she indicate to you how  
8     many times it had happened that he had  
9     inappropriately touched her in the social  
10    studies class?

11          A.     I don't have a number, but  
12    several times, I guess. When she finally  
13    let us know, it was kind of like enough  
14    is enough.

15                 I think she tried to handle  
16    it herself. I'm in high school. I'm a  
17    big girl. I can handle this. But in  
18    reality, she couldn't emotionally and  
19    whatnot handle it. That's why she  
20    finally came to us.

21          Q.     When you said that she tried  
22    to handle it by herself like a big girl  
23    in high school, what do you mean?

24          A.     Well, I think she didn't

1 tell anybody about it. She didn't want  
2 to deal with all this stuff again.

3 She would be afraid to be  
4 taken out of the environment. I don't  
5 think it was a positive experience. It's  
6 never a positive experience, but I just  
7 think that emotionally she didn't want to  
8 go through the whole process again.

9 Q. When you say the whole  
10 process, what are you referring to?

11 A. The investigation, the  
12 meetings, probably went along with  
13 assault from elementary school. I'm not  
14 quite sure what happened after that, but  
15 I know that there was probably a lot  
16 going on.

17 Q. Are those things that [REDACTED]  
18 talked to you about, that she was  
19 concerned about all the other stuff that  
20 you just described that would go along  
21 with reporting or disclosing?

22 A. Yeah. I think that was what  
23 -- she didn't want to go through it all  
24 again is the impression that I got from

1 her.

2 Q. Did she say that to you or  
3 what was it about her talking to you gave  
4 you that impression?

5 A. I think she probably  
6 mentioned that at some point in our  
7 conversation. It was just a lot of --  
8 she said it didn't help because then she  
9 got taken away from her friends.

10 She felt that all the stuff  
11 that happened in respect of helping her,  
12 she didn't feel like it was helping her.

13 Everything that was put into  
14 place to protect her or help her, I don't  
15 think she thought that way.

16 Q. And she told you that?

17 A. Yes.

18 Q. I know you said you talked  
19 to Pete Nicholson about this. And Pete  
20 said that he was very concerned and that  
21 he was going to look into it?

22 A. Yes.

23 Q. Did he explain what that  
24 meant, that he was going to look into it

1 or any other detail?

2 A. I think what he meant was --  
3 he didn't tell me specifically, but they  
4 have their case manager that does part of  
5 their scheduling.

6 I think that was his first  
7 thought, to see how she got scheduled in  
8 the same class with him and was the IEP  
9 team aware of the situation, that kind of  
10 thing.

11 He didn't know so he was  
12 going to the people who did know, who did  
13 the scheduling and whatnot.

14 Q. Did Pete Nicholson ever  
15 report back to you with those answers as  
16 to how that happened and how they got put  
17 in the same class together?

18 A. I believe we had a meeting  
19 about it. This is a little fuzzy because  
20 there's so many meetings and whatnot.

21 Obviously, it was not  
22 intentional how it happened. I just  
23 think it was a mistake. Honestly,  
24 somehow it got scheduled and overlooked.



1 Just to be honest.

2 I don't think that anybody  
3 thought, oh, I'm going to put [REDACTED] and  
4 this kid in the class. It just happens.  
5 There's so many kids. There's so many  
6 schedules.

7 I don't know what kind of  
8 communication came up from the district  
9 or elementary to the high school  
10 administration. I'm not sure if they  
11 were aware of it.

12 So I don't know. To me, I  
13 think it was just a big mistake and he  
14 was working to try to fix that.

15 Q. Pete Nicholson was working  
16 to try and fix the mistake. Is that what  
17 you're saying?

18 A. Yes.

19 Q. When you say it wasn't  
20 intentional, meaning they didn't in a  
21 mean way, purposefully put these two kids  
22 together; is that what you mean?

23 A. Yeah, absolutely. It was an  
24 oversight and maybe not attention to

1 detail or information didn't get where it  
2 needs to be, that type of thing.

3 Q. You said that there were  
4 meetings that occurred after this had  
5 happened and you talked to Pete  
6 Nicholson.

7 Do you recall any of those  
8 other meetings or who was there or  
9 anything like that?

10 A. I'm pretty sure -- there  
11 were some supervisors in some of the  
12 meetings and her case manager at the high  
13 school. I'm trying to think back when  
14 they decided to have her take some of the  
15 online classes.

16 The whole chronology of it  
17 is all over the place. I know they were  
18 working to rectify the situation as soon  
19 as possible.

20 Q. When you rectify the  
21 situation, what do you mean?

22 A. Not having the two kids in  
23 the same class together.

24 Q. And after this time, [REDACTED]

1 then made the decision, or the decision  
2 was made, I should say, for [REDACTED] to  
3 attend North Montco full time again?

4 A. Yes.

5 Q. Do you remember any meetings  
6 about that as to why it was going to  
7 happen or anything like that?

8 A. I think even though  
9 academically she didn't flourish, I think  
10 emotionally she did. And being at the  
11 tech school and that smaller environment  
12 made her feel safer.

13 So even though we kind of  
14 came up with a hybrid situation for her  
15 to come back to North Montco, I think it  
16 was just decided that it would be in her  
17 best interest emotionally. She had  
18 support in place. She had a safety plan.  
19 So that was decided that she would come  
20 back.

21 Q. You said she had a safety  
22 plan in place. Was that the safety plan  
23 she had in ninth grade, was that then  
24 implemented still?

1           A.       We had to modify it because  
2 they were older. Yeah, it was a safety  
3 plan that we had put in place with our  
4 security and our teachers for her in  
5 ninth grade.

6           Q.       Did you have any discussion  
7 with Dr. Dietrich after the tenth grade  
8 assault?

9           A.       I talked to him. I don't  
10 remember if it was after the tenth grade  
11 assault or not. I think I did let him --  
12 I think I let him know what we were  
13 doing, that we were going to bring [REDACTED]  
14 back to North Montco and re-up her safety  
15 plan.

16                    She felt emotionally safe  
17 there. Mom was okay with that. [REDACTED]  
18 was okay with that. That's probably the  
19 second conversation I had with him.

20           Q.       Did you talk to Dr. Dietrich  
21 at all in that conversation about what  
22 had happened in the social studies class?

23           A.       Well, obviously, I don't  
24 think he was aware at all, just like Pete

1 wasn't aware. I think he was looking  
2 into it at the same time.

3 It was probably the same  
4 time, within a day I talked to him and I  
5 talked to Pete. And both of them were  
6 looking into the whole situation and how  
7 it happened and how we can rectify it.

8 I was just trying to be  
9 helpful in taking her back because I  
10 thought it was in the best interest of  
11 her. They just seemed to support that as  
12 well.

13 Q. Just to clarify, when you  
14 said you didn't think that Dr. Dietrich  
15 knew, what are you referring to? He  
16 didn't know what had happened in tenth  
17 grade yet?

18 A. Yes. He was completely  
19 unaware of the kids being in the same  
20 class and that they shouldn't have been  
21 there.

22 It was a scheduling error,  
23 and nobody picked it up. I don't think  
24 that they have a type of flagging in

1     their system.  There's so many kids over  
2     there.  I'm not sure, but somehow it got  
3     through.

4             Q.     Are there any other  
5     conversations you recall having with  
6     either the North Penn administration or  
7     district administration about the  
8     assaults in tenth grade?

9             A.     I don't think we had any  
10    other specific questions about that, no.  
11    I think it was very clear what happened  
12    and what we were trying to do to help  
13    ██████ to be able to progress in tenth  
14    grade and not worry that she's going to  
15    have that kind of situation.

16            Q.     I have general questions  
17    about North Montco.

18                   Does North Montco have proms  
19    or school dances?

20            A.     Yes.

21            Q.     Can you tell me a little bit  
22    more about that?

23            A.     It's usually supported by  
24    the SkillsUSA, which is the student

1 government. It depends. Sometimes  
2 they'll have a winter dance, like a  
3 winter ball. Sometimes it's hosted at  
4 the high school. Sometimes it's hosted  
5 at the Holiday Inn.

6 The kids dress up.  
7 Sometimes North Montco kids feel like  
8 they are more tied to North Montco than  
9 their district, especially if they come  
10 full time and they are in the building  
11 full time.

12 Q. So just so I understand you  
13 correctly, is there separate proms that  
14 North Montco has just for North Montco  
15 students or are they proms and dances  
16 that are with the high school that they  
17 would come from?

18 A. No, they are just separate.  
19 If a student wants to go to their own  
20 prom, they are welcome to do that. They  
21 are welcome to do anything at any of  
22 their high schools.

23 What North Montco hosts, at  
24 least when I was there, was just for our

1 students and their guests.

2 Q. And is it like a prom for  
3 each class year or how does that work?

4 A. They have one formal dance a  
5 year like in the winter.

6 Q. Like a winter formal?

7 A. Yeah.

8 Q. What about in terms of  
9 extracurricular clubs and sports and  
10 things like that, does North Montco have  
11 its own clubs and sports or is that all  
12 at the home school for the district?

13 A. No. North Montco is just an  
14 extension of the home school. Any sports  
15 or clubs that a student would want to  
16 participate in, they would go back to  
17 district to do that.

18 Q. I know when I was in high  
19 school there were things like spirit day  
20 and stuff like that.

21 Does North Montco have  
22 anything like that or is that all based  
23 at the home school?

24 A. They'll have a spirit week



1 sometimes or a gym day and this and that.  
2 And the end of the week may be a fun day  
3 or a fun activity for the kids. They do  
4 participate in that, too.

5 Q. At North Montco?

6 A. Yes.

7 Q. Are there any other  
8 differences in terms of like availability  
9 of student-type activity, fun-type things  
10 that are at the home schools but not at  
11 North Montco?

12 A. They can participate in  
13 anything at the home district. Anything  
14 that they would want to, they should be  
15 able to whether it's football or be in a  
16 play.

17 We're an extension of the  
18 high school. We don't have our own  
19 activities like that.

20 Q. That's what I was trying to  
21 clarify. I understand they can do it at  
22 their home school, but at North Montco,  
23 North Montco doesn't have its own drama  
24 club or anything like that?

1           A.       No.

2                   MS. LAUGHLIN: I think those  
3           are all the questions I have for  
4           you. I don't know if Ms. Lloyd  
5           has any questions.

6 BY MS. LLOYD:

7           Q.       Thank you. My name is Susan  
8           Lloyd. I represent the school district  
9           in this case.

10                   I do have some questions.  
11 Did you have a relationship with the  
12 [REDACTED] family outside of school?

13           A.       No. No, not really. I did  
14 -- I got to know them quite well through  
15 this situation. [REDACTED] one of the  
16 things that I was able to get [REDACTED] to  
17 talk about and whatnot is horseback  
18 riding. She rides horses. I have horses  
19 and a horse farm.

20                   So that's something that we  
21 had in common. Do we hang out and stuff  
22 like that outside of school, absolutely  
23 not. She had to come see my horse once  
24 with her mom. That was about it. My

1 doctor brought her daughter to see my  
2 horse, too. So it's not like -- we're  
3 not pals and hang out for sure. I'm just  
4 supportive. I spent a lot of times  
5 talking with her mom on how to help  
6 [REDACTED] through this.

7 Q. So she was at your horse  
8 farm once?

9 A. Yes.

10 Q. When is the last time you  
11 spoke with [REDACTED] [REDACTED]

12 A. Long before she graduated.  
13 I really haven't had communication with  
14 them for a couple years.

15 Q. Did she graduate from North  
16 Montco?

17 A. I'm not sure because I  
18 wasn't there.

19 Q. You described yourself as  
20 retired.

21 What year did you retire?

22 A. I retired for health  
23 reasons. I'm on disability retirement  
24 right now.

1 Q. And it was your decision to  
2 retire?

3 A. Yes.

4 Q. When is the last time you  
5 talked to Mrs. [REDACTED] mom?

6 A. I'm not sure. I really  
7 don't recall.

8 Q. Would it have been after her  
9 sophomore year?

10 A. Yeah, I think so.

11 Q. Did you ever meet with  
12 [REDACTED] mom outside of school for any  
13 reason?

14 A. Just at the farm.

15 Q. And that was the one  
16 occasion when [REDACTED] came to see the  
17 horse?

18 A. Yes.

19 Q. There was a reference in the  
20 records to the Night Riders.

21 Is that an equestrian club?

22 A. I have no idea.

23 Q. That's fine. It's not at  
24 North Montco then?

1           A.       No.

2           Q.       Do you know if [REDACTED] ever  
3       became involved in the equestrian club at  
4       the North Penn High School?

5           A.       I do not know. They may  
6       have had one. I'm not sure, quite  
7       honestly.

8           Q.       Did you speak with  
9       plaintiff's counsel before today's  
10      deposition?

11          A.       No. About this?

12          Q.       Yes.

13          A.       Just that I was going to  
14      have a Zoom deposition.

15          Q.       Nothing specific as to your  
16      testimony or what you would be asked?

17          A.       No, just say what I know.

18          Q.       That was a phone  
19      conversation?

20          A.       Yes.

21          Q.       How long did that phone  
22      conversation last?

23          A.       Just a couple of minutes,  
24      five minutes at the maximum. I was more

1 worried about getting Zoom working.

2 Q. That is an issue we've all  
3 faced over the past year and a half.

4 At any time you were talking  
5 to [REDACTED] in her sophomore year, did she  
6 use the term private area when talking to  
7 you about [REDACTED] touching her?

8 A. I can't say one hundred  
9 percent, but that's what pops in my mind  
10 as soon as I remembered that conversation  
11 we had.

12 Q. And do you recall her  
13 telling you how many times that it  
14 happened?

15 A. I don't know a number. She  
16 said several.

17 Q. And did she bring it to  
18 anyone else's attention to your  
19 knowledge?

20 A. No.

21 Q. Did she indicate to you that  
22 anybody at the high school knew about the  
23 fact that [REDACTED] had touched her?

24 A. No. I don't think she told

1 anybody there. That's why I called as  
2 soon as I knew about it.

3 Q. You indicated that in your  
4 conversation with Dr. Dietrich that it  
5 never crossed anybody's mind that [REDACTED]  
6 and [REDACTED] might end up at the tech  
7 school together.

8 Did somebody say that to  
9 you?

10 A. No. No. No. I just think,  
11 as I said, there were too many cooks in  
12 the kitchen and nobody just really got it  
13 through. It could happen with everything  
14 else going on with enrollment and  
15 whatnot.

16 Q. Is that based on the number  
17 of students in the district or something  
18 else?

19 A. I just think they are  
20 dealing with central office. You're  
21 dealing with several middle schools.  
22 You're dealing with the tech school.  
23 That's a lot of involvement with  
24 different entities.

1           Q.     Did any of those entities  
2     that were involved ever say to you, oh,  
3     we have too much to do, we missed this  
4     one, or give you any kind of indication  
5     that there was a mistake made?

6                     MS. LAUGHLIN:  Objection to  
7     form.

8                     THE WITNESS:  I can't  
9     remember an exact phrase for  
10    either situation with [REDACTED] being  
11    in the same building or with her  
12    getting assaulted.  I think that  
13    was everybody's mindset was that  
14    how did this get missed, you know  
15    what I mean?

16                    Obviously, it was missed.  
17    They were in the same class, same  
18    school.  How did that happen and  
19    how can that be rectified is what  
20    I got out of it.

21  BY MS. LLOYD:

22           Q.     It was rectified essentially  
23    by [REDACTED] coming back to the North  
24    Montco?



1           A.       Yes.

2                   MS. LAUGHLIN:  Objection to  
3           form.

4  BY MS. LLOYD:

5           Q.       And did [REDACTED] stay at North  
6  Montco full time after her sophomore year  
7  then or after the beginning of her  
8  sophomore year?

9           A.       I believe so, yes.

10                  MS. LLOYD:  I have no  
11           further questions, ma'am.  Thank  
12           you.

13                  MS. LAUGHLIN:  I don't have  
14           anything else.  Thank you again  
15           for participating in this and  
16           turning on your video.

17                               -   -   -

18                               (Whereupon, the deposition  
19           concluded at approximately 11:05  
20           a.m.)

21                               -   -   -

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CERTIFICATE

I, LISA CAPALDO, Registered Court Reporter, do hereby certify that prior to the commencement of the examination, DAWN LeBLANC, was duly remotely sworn by me to testify to the truth, the whole truth, and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place, and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

  
\_\_\_\_\_

LISA CAPALDO, RPR  
Notary Public

# EXHIBIT “M”



1 A P P E A R A N C E S:

2 FREIWALD LAW, P.C.

3 BY: LAURA E. LAUGHLIN, ESQUIRE

4 1500 Walnut Street, 18th Floor

5 Philadelphia, Pennsylvania 19102

6 TEL: (215)875-8000

7 EMAIL: lel@freiwaldlaw.com

8 Attorneys for the Plaintiff

9

10 HENDRZAK & LLOYD

11 BY: REBECCA CANTOR, ESQUIRE

12 3701 Corporate Center Park, Suite 100

13 Center Valley, Pennsylvania 18034

14 TEL: (610)709-8570

15 EMAIL: rebecca.cantor@zurichna.com

16 Attorneys for the Defendant

17

18 WISLER PEARLSTINE, LLP

19 BY: KYLE J. SOMERS, ESQUIRE

20 460 Norristown Road, Suite 110

21 Blue Bell, Pennsylvania 19422

22 TEL: (610)825-8400

23 EMAIL: ksomers@wispearl.com

24 Attorneys for the Defendant



1 - - -

2 DEPOSITION SUPPORT INDEX

3 - - -

4

5 Direction to Witness Not to Answer

6 PAGE LINE

7 None.

8

9 Request for Production of Documents

10 PAGE LINE

11 None.

12

13 Stipulations

14 PAGE LINE

15 5 2

16

17 Questions Marked

18 PAGE LINE

19 None.

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(It is hereby stipulated and agreed by  
and among counsel for the respective parties  
that signing, sealing, certification, and  
filing are waived and that all objections,  
except as to the form of the question, are  
reserved until the time of trial.)

THE COURT REPORTER: All parties to  
this deposition are appearing remotely and have  
agreed to the witness being sworn in remotely.  
Due to the nature of remote reporting, please  
pause briefly before speaking to ensure all  
parties are heard completely.

Counsel, please state your appearances  
for the record.

MS. LAUGHLIN: I'm Laura Laughlin on  
behalf of the Plaintiff, Jane Doe.

MS. CANTOR: Rebecca Cantor on behalf  
of the Defendant, North Penn School District.

MR. SOMERS: And Kyle Somers, also on  
behalf of the Defendant, North Penn School  
District.

MS. O'BRIEN: I'm Kira O'Brien.



1

- - -

2

KIRA O'BRIEN,

3

having been first duly sworn, was

4

examined and testified as follows:

5

- - -

6

EXAMINATION

7

- - -

8 BY MS. LAUGHLIN:

9

Q. Good afternoon, Ms. O'Brien.

10

A. Good afternoon.

11

Q. I know this is still a little bit weird

12

being over Zoom. Under normal circumstances we'd

13

be in a room together and it would be a little less

14

awkward with the, you know, Hollywood Square boxes

15

and things like that.

16

But I appreciate your time today in

17

coming to this deposition to allow me to ask you

18

some questions about [REDACTED] [REDACTED]

19

Do you understand that's what you are

20

here to do today?

21

A. Yes.

22

Q. Have you ever given a deposition

23

before?

24

A. I did probably about 13 years ago.

1           Q.       Was that in your capacity as a guidance  
2 counselor with school?

3           A.       Yes.

4           Q.       Did that involve any kind of claim  
5 against the North Penn School District, if you can  
6 remember?

7           A.       I don't believe so. It didn't have to  
8 do with that.

9           Q.       Okay. So I'm going to give you --  
10 since it's been so many years, and we're probably,  
11 you know, online, whereas, the last time you did  
12 this you were probably in person, I'm going to give  
13 you a few ground rules that will help things go a  
14 little bit smoother today. Okay?

15          A.       Okay.

16          Q.       I don't anticipate being here too long,  
17 but if there's any time you need a break for any  
18 reason, just let us know and you can take one.  
19 Okay?

20          A.       Okay.

21          Q.       You're doing a great job so far, but  
22 all of your answers have to be verbal, because we  
23 do have a court reporter that's in one of the  
24 squares taking down everything that's said today

1 and will create a transcript. All right?

2 A. Okay.

3 Q. If you -- if I ask a question you're  
4 not sure of what I meant or it was confusing, just  
5 let me know, and I'll try to rephrase it so you do  
6 understand. All right?

7 A. Okay.

8 Q. If you answer the question, later on  
9 we're all going to assume you understood it, since  
10 I gave you that instruction. Okay?

11 A. Okay.

12 Q. I don't want you to guess at anything,  
13 but it's okay to give an estimate. If you don't  
14 know an exact date or an exact time, just let us  
15 know that you're estimating. Okay?

16 A. Sure.

17 THE COURT REPORTER: Counsel, usual  
18 stipulations?

19 MS. LAUGHLIN: Yes.

20 BY MS. LAUGHLIN:

21 Q. Is it true that right now you work for  
22 the North Montco Technical School?

23 A. Correct.

24 Q. And how long have you done that?

1           A.       So I've been there probably since 2003,  
2   2004.

3           Q.       And what -- and you've been there  
4   consecutively since that time up through today?

5           A.       Yes. My first year, when I was there,  
6   I was considered the SAP counselor and I was  
7   working through an outside agency called the  
8   Lincoln Center, but then I was hired by North  
9   Montco on an emergency permit.

10                   I went back to school and got my school  
11   counseling certificate so that I could work as a  
12   school counselor and get hired as a school  
13   counselor there.

14          Q.       Okay. And you said SAP counselor. Is  
15   that what you said?

16          A.       Yes. The Student Assistant Program.  
17   So I used to work with students in groups and also  
18   individually with any of the students that were  
19   referred to me.

20          Q.       Okay. And -- do you recall [REDACTED]

21   [REDACTED]

22          A.       Absolutely.

23          Q.       Okay. And was the first time that you  
24   ever had any kind of contact or heard about her,

1 was that when she first started at North Montco in  
2 9th grade?

3 A. Yes.

4 Q. In [REDACTED] 9th grade year, which would  
5 have been like the 2017-2018 school year. Does  
6 that sound about right to you?

7 A. Yes.

8 Q. What was your job title at North Montco  
9 at that time?

10 A. At that time, I was considered a school  
11 counselor, but they also at that time, up until  
12 this last school year, I was called the crisis  
13 counselor.

14 So part of my responsibilities was to  
15 work with students who were in crisis or needed  
16 extra assistance. So Joe Paddock was the official  
17 school counselor for automotive, but she felt  
18 more -- [REDACTED] and her mom felt more comfortable  
19 with her seeing me because of her background, but  
20 also because I was -- I'm a female.

21 So from as soon as I learned about  
22 [REDACTED] she was introduced to me. And Mr. Paddock  
23 also, the school counselor for [REDACTED] he would  
24 have interactions here and there with [REDACTED] but

1 she mostly felt comfortable coming to me with  
2 things.

3 Q. Okay. And when you say automotive  
4 students would have been with the other gentleman,  
5 is that students that came to the tech school on,  
6 like, the automotive track?

7 A. Correct.

8 Q. And that was [REDACTED] right? [REDACTED] was  
9 studying automotive at tech school?

10 A. Yes.

11 Q. Okay. And when you say that you were  
12 going to be assigned to [REDACTED] because of her  
13 background, what do you mean?

14 A. Well, the mom had explained to us --  
15 when she reached out to the principal and I at the  
16 time, she had explained -- the reason why she  
17 reached out to us was she was upset, that she  
18 didn't realize that -- am I allowed to say the  
19 other student's name?

20 Q. Yeah. Do you mean [REDACTED]

21 A. She didn't realize that [REDACTED] [REDACTED]  
22 was going to be in the same school with [REDACTED]  
23 and, so when mom discovered this, I guess [REDACTED]  
24 had mentioned to mom, like, "Hey, I'm passing

1       [REDACTED] in school. I'm seeing him at North Montco."

2                       Once Ms. [REDACTED] reached out to the  
3       principal and myself, we said, "Hey, just so you  
4       know, we're going to do whatever we can to help you  
5       with the situation, and I could be a good go-to  
6       person if she needs somebody on the North Montco  
7       end."

8           Q.       Okay. And so that was in [REDACTED] 9th  
9       grade year?

10          A.       Correct.

11          Q.       Before this point where mom contacts  
12       you and the principal -- and is that Dawn LeBlanc?

13          A.       Correct.

14          Q.       Before mom reached out to you and Dawn  
15       LeBlanc, had you ever had any interactions or heard  
16       of [REDACTED] in any way before then?

17          A.       No.

18          Q.       Can you estimate for me when in that  
19       school year mom had reached out to you and  
20       Principal LeBlanc?

21          A.       I felt like it was towards the  
22       beginning of the school year.

23          Q.       And how exactly -- when you say that  
24       mom had reached out, how exactly did you start

1 becoming involved? Like, did you get a phone call  
2 or what can you tell me about that time?

3 A. I knew that Mrs. [REDACTED] reached  
4 out to Dr. LaBlanc with her concern with [REDACTED]  
5 being in the school and I believe I was brought in  
6 right away with the situation. As soon as  
7 Mrs. [REDACTED] reached out, I also was involved  
8 with -- with being there for [REDACTED] as support.

9 Q. Okay. And when you say there was  
10 concern for [REDACTED] being in the same school as  
11 [REDACTED] what was the concern or what were you aware  
12 of was going on at this point?

13 A. Mom was frustrated because she felt  
14 like -- she was saying that [REDACTED] would have to  
15 pass [REDACTED] which would make sense, because  
16 drafting is on the way to auto. So she was passing  
17 [REDACTED] in the morning before classes and then after  
18 classes. And there were other situations where she  
19 was seeing [REDACTED] I believe, she said, like, in  
20 the cafeteria and things like that. So it was, you  
21 know, uncomfortable for her.

22 And I believe at that point Mom had  
23 said that she was feeling very anxious and was  
24 having anxiety attacks because of it.



1 Q. Did you talk to [REDACTED] about, like,  
2 that situation at all?

3 A. Yes.

4 Q. Can you tell me about that? Like, what  
5 did [REDACTED] say to you or what was your impression  
6 from [REDACTED] perspective what was going on?

7 A. She -- she really didn't want to see  
8 him. So we came up with a safety plan where she  
9 could leave a little early, leave a little later,  
10 depending on his schedule, so that they wouldn't  
11 have to see each other in the hallways any longer.

12 Q. Did you have an understanding of why  
13 [REDACTED] didn't want to see [REDACTED]

14 A. Only because that's what the mom had  
15 filled Dr. LeBlanc and I in on, the past situation.

16 Q. And what was that past situation, to  
17 your understanding?

18 A. To my understanding, I believe it was  
19 back in 6th grade, there was some inappropriate  
20 touching going on between the two of them and a  
21 teacher brought them to the side and said, "I'm not  
22 going to tell anyone about this, but it needs to  
23 stop."

24 Q. Do you know whether the inappropriate

1 touching, was that [REDACTED] touching [REDACTED]

2 A. That was -- that's what I was told,  
3 correct.

4 Q. Okay. Were you aware at all of, like,  
5 any investigation or any prior safety plans or  
6 anything like that that had been taking place to  
7 protect [REDACTED] from [REDACTED] in the past?

8 A. When Mom called, one of the frust --  
9 one of the things she was frustrated about is  
10 because she was saying to us that she thought that  
11 this was something that could never happen. Like,  
12 she was surprised that [REDACTED] was able to go to  
13 North Montco with what had happened in the past.

14 So at that point I wasn't involved with  
15 anything, but Mom made it sound like she had had  
16 several conversations with or meetings with the  
17 people involved to make sure that this sort of  
18 thing was never going to happen again.

19 Q. Meaning that [REDACTED] and [REDACTED] wouldn't  
20 be, like, passing each other in the hallway or  
21 things like that?

22 A. Right.

23 Q. When you say that Mom had conversations  
24 with several people involved, what do you mean?

1           A.       Well, so this was just from -- this is  
2   what Mom reported to us when she called Dr. LaBlanc  
3   and myself. She had said, you know, "I don't know  
4   how this could have happened, because I've had  
5   several conversations or meetings with people in  
6   the North Penn School District," meaning, like, the  
7   administration, IEP team; and so I can't recall the  
8   exact people that she said, but it seemed to me,  
9   from what Mrs. [REDACTED] was reporting, that she  
10  really thought every stone was unturned, that she  
11  felt like she did everything she could to prevent  
12  this from happening.

13          Q.       When you -- when Mom was telling -- did  
14  she -- did Mrs. [REDACTED] have direct  
15  communications with you or was it everything  
16  through Principal LaBlanc?

17          A.       Most of the time it was with Dawn and I  
18  together, and I believe that day actually  
19  Mrs. [REDACTED] met with us in person. But there  
20  are other times where, like -- I know that day that  
21  she first called, we were on speakerphone together  
22  talking to Mrs. [REDACTED] and she was explaining  
23  [REDACTED] past to us and why she was frustrated that  
24  [REDACTED] was attending North Montco.

1           Q.       In your experience is, like, past  
2 incidents like that, with students now coming to  
3 the technical school, is that something that, like,  
4 North Penn School District, since they're  
5 technically their students, that they would tell  
6 North Montco about, if you know?

7           A.       I would say sometimes that's something  
8 we hear about and sometimes it's not something we  
9 hear about. It was our understanding that, you  
10 know, [REDACTED] had every right to attend North  
11 Montco, just like any other student, and there  
12 really wasn't anything -- other than coming up with  
13 a safety plan and having them not see each other,  
14 we really didn't feel like there was anything else  
15 that could be done for the situation other than,  
16 you know, letting the adults in the situation know  
17 what was occurring.

18          Q.       When you say sometimes North Montco  
19 would be aware, sometimes they wouldn't, do you  
20 know whether there was any kind of, like, policy or  
21 practice in place from the district to make sure  
22 that district students, if there was prior  
23 incidents in the past, like here, that the tech  
24 school would be made aware?

1           A.       Not that I'm aware of.

2           Q.       Okay. And you just mentioned that --  
3   from your understanding, that [REDACTED] had a right to  
4   go to the tech school. That part you were just  
5   talking about, where did you get that understanding  
6   or where is that information from?

7           A.       That was just -- that's what my  
8   understanding was, was that we didn't have -- there  
9   was no -- nothing in writing. There wasn't  
10   anything to say that [REDACTED] couldn't come to North  
11   Montco. So we didn't feel like we -- we didn't  
12   have any reason to say that he couldn't come to  
13   North Montco.

14          Q.       Meaning, like, anything in writing from  
15   North Penn School District?

16          A.       Correct.

17          Q.       Is that typically -- for North Montco,  
18   is that something, when it's a North Penn  
19   student -- or North Penn district students coming  
20   to the tech school, is it, in your experience, the  
21   North Penn School District that's regulating who  
22   can or can't come to the tech school?

23          A.       No.

24          Q.       Then whose responsibility is that or

1     whose decisions is that as to what students can  
2     come to the tech school?

3           A.       There's a lot of different factors. I  
4     mean, the school counselor has to fill out the  
5     enrollment form -- their portion of the enrollment  
6     form, along with the parent, to make sure that that  
7     student's eligible to attend North Montco. And  
8     then when it comes to the process of deciding who's  
9     going to be accepted, who's not going to be  
10    accepted, they look at, you know, discipline,  
11    grades, attendance.

12                    So there was nothing for us -- we  
13    weren't made aware of any situation that [REDACTED]  
14    shouldn't be able to come to North Montco.

15           Q.       Meaning, like, in terms of his  
16    disciplinary file up to that point?

17           A.       Correct.

18           Q.       Okay. Like, North Montco didn't -- do  
19    you know whether they had that, [REDACTED]  
20    disciplinary file up to that point?

21           A.       They should have had a discipline file,  
22    because we asked for all the discipline records up  
23    until that point, but I'm not sure what would have  
24    been in there.

1                   If there would have been something that  
2   was concerning or alarming, that's when the school  
3   counselor would probably reach out to the school  
4   counselor to help him fill out the enrollment form  
5   to say, "Hey, you know, what's -- we need to look  
6   deeper into this. What's going on with this  
7   discipline?"

8                   But nothing was -- nothing was brought  
9   to our attention to have [REDACTED] not accepted at  
10   North Montco. So we were not made aware that there  
11   was any major issues.

12           Q.       Okay. When you say major issues,  
13   would, like, a report of sexual harassment in a  
14   student's file, would that be considered, like, a  
15   major issue that you're talking about they would  
16   look into and find out what was going on?

17           A.       I would think so. Absolutely.

18           Q.       Okay. I want to go back to this  
19   incident in 9th grade or the incidents where [REDACTED]  
20   was passing [REDACTED] in the hallways and you had  
21   mentioned that she was having anxiety and panic  
22   attacks, right?

23           A.       Correct.

24           Q.       Did you ever experience or talk with

1     [REDACTED] about her having, like, increased anxiety or  
2     panic attacks involving [REDACTED] being at the school?

3           A.       Yes. I mean, the times that she was --  
4     she was coming to me at the -- when we first  
5     learned of [REDACTED] she was saying to us that, okay,  
6     like, I'm seeing him at -- at these different  
7     times. These are the times I'm hoping to avoid.

8                    So she let us know exactly when she was  
9     seeing him so that we could try to come up with a  
10    plan where she wouldn't have to see him.

11           Q.       Is that something [REDACTED] wanted? She  
12    was trying to avoid seeing him?

13           A.       Yes.

14           Q.       In your experience, from being around  
15    [REDACTED] and, you know, her coming to you, was [REDACTED]  
16    afraid of [REDACTED] from your understanding?

17           A.       I never got the feeling that she was  
18    afraid of him, but she just -- she didn't want to  
19    be around him or see him. But it -- I never  
20    thought of it as a -- I never took it as -- as that  
21    she was fearful to be around him.

22           Q.       Did you have an understanding or  
23    explore with her the feeling of why she didn't want  
24    to be around him?



1           A.       I mean, mostly because of what -- what  
2       occurred back in 6th grade. And she also, at some  
3       point during the time that she went to school, at  
4       my school at North Montco, she had said that he was  
5       inappropriate with other kids over the years also.

6                    So she just -- she just did not want to  
7       be around him just in case something like that, I  
8       guess, would happen again.

9           Q.       Like, to her, like, he would try to  
10      touch her again or something like that?

11          A.       Exactly.

12          Q.       Okay. And were those things that she  
13      was actually telling you?

14          A.       Yes.

15          Q.       When you say that [REDACTED] would be  
16      meeting with you -- I think you said, like, often  
17      in the 9th grade year after you first came in  
18      contact with her, how often -- can you estimate for  
19      me, like, how often you were meeting her with her  
20      about [REDACTED] and her anxiety and the panic attacks?

21          A.       It's hard to say, but I would  
22      definitely say I would see her at least once a  
23      week, but really I was just available to her  
24      whenever -- whenever she needed me. So sometimes

1 it would be once a week, sometimes it might be once  
2 every other weeks. Other times it might be twice a  
3 week. So really depended on what was going on.

4 And she would come to see me not just  
5 regarding what had happened with [REDACTED] but just  
6 her -- everything that was going on in life with  
7 her being, you know, new at North Montco and all  
8 the things that go along with that.

9 Q. Like trying to make friends and things  
10 like that?

11 A. Exactly.

12 Q. You said once [REDACTED] and [REDACTED] mom  
13 had come to you and Dr. LeBlanc about seeing [REDACTED]  
14 in the hallways and trying to prevent that from  
15 happening, trying to prevent any further [REDACTED]  
16 trying to touch her inappropriately, you said that  
17 you had worked with [REDACTED] on a safety plan.

18 A. Correct.

19 Q. Can you tell me more about that?

20 A. It was pretty much just saying that  
21 when -- we knew when [REDACTED] was going to be  
22 arriving to class and when he was going to be  
23 leaving class; and so it was permission for [REDACTED]  
24 to get to her class where she wouldn't have to be

1 walking past [REDACTED] and then also being able to  
2 leave automotive so that she wouldn't have to see  
3 [REDACTED] when she was leaving automotive.

4 Q. Was there anything implemented with  
5 [REDACTED] schedule about, like, when he could arrive  
6 or what way he would have to take?

7 A. I don't believe so.

8 Q. Okay. And do you know why that was?

9 A. I do not.

10 Q. Now, at this time [REDACTED] was going to  
11 North Montco full time, right?

12 A. Correct.

13 Q. Was that typical, for a 9th grader to  
14 be at North Montco full time?

15 A. No, not at all. She was the first 9th  
16 grader that had ever been accepted into the  
17 full-time program.

18 Q. And do you know why [REDACTED] was  
19 attending North Montco full time?

20 A. Because of the situation with [REDACTED]  
21 She -- Dr. LaBlanc had said this could be a way  
22 that [REDACTED] would -- would never have to see  
23 [REDACTED] and so it would take that factor out of the  
24 situation. So she agreed to allow [REDACTED] to attend

1 North Montco full time.

2 Q. And that was -- do you mean, like, she  
3 would never have -- [REDACTED] would never have to see  
4 [REDACTED] because when they were at North Montco  
5 together you had the safety plan in place which  
6 would prevent [REDACTED] from running into [REDACTED]

7 A. That was part of it, but it also was  
8 they felt that her being at North Montco full time,  
9 she would have even less of a chance of seeing  
10 [REDACTED]

11 Like the way that the schedule worked  
12 out, she -- there would be even less likely of  
13 chance of her having to see [REDACTED]

14 Q. Okay.

15 A. Not just at North Montco, but also, I  
16 believe, at North Penn.

17 Q. Meaning, like, if she were to go to  
18 North Penn?

19 A. If she would have been a typical  
20 student and just stayed at North Penn and attended  
21 auto part-time, I guess the fear was that she would  
22 be seeing [REDACTED] more with her schedule the way it  
23 was.

24 Q. Okay. And so these were things in the

1 9th grade year you and Dr. LeBlanc implemented for  
2 [REDACTED] to keep her safe?

3 A. Yes. So it was Dr. LaBlanc that came  
4 up with the idea of her attending full time. But  
5 I -- I was happy to support [REDACTED] with whatever  
6 was decided.

7 Q. Okay. Was it typical for students to  
8 have, like, safety plans in place, like [REDACTED] did,  
9 at North Montco?

10 A. No. I mean, we've definitely -- we  
11 have implemented that in the past, but it  
12 definitely wasn't a typical thing. It was very  
13 rare.

14 Q. Do you -- I understand you don't keep  
15 any, like, records or anything like that of what  
16 [REDACTED] discusses in, like, session with you, right?

17 A. Correct.

18 Q. Is there a certain, like, length of  
19 time that each time [REDACTED] would visit that she  
20 would spend in your office?

21 A. No. It was always different. There  
22 was sometimes where she was just coming by for  
23 something easy. You know, just to get some candy  
24 or to get some breakfast, or just to say hi; and

1 then sometimes she would stay for longer, depending  
2 on what was going on in life.

3 Q. In terms of up to this point [REDACTED]  
4 talking to you about the past stuff that had  
5 happened with [REDACTED] and running into him before  
6 the safety plan was implemented at North Montco,  
7 can you recall anything, other than what we've  
8 already talked about, about what [REDACTED] would tell  
9 you about those incidents, about how she felt, what  
10 had happened, anything like that?

11 A. No.

12 Q. Do you keep any documentation of how  
13 often or, like, the dates in which [REDACTED] would  
14 come to your office?

15 A. I had it written down on my agenda book  
16 and I hold onto my agenda books, but it doesn't  
17 have any comments on what -- what the interaction  
18 was about.

19 Q. Do you still have -- was it a paper  
20 agenda book?

21 A. Yes.

22 Q. Do you still have that?

23 A. I should still have that at school  
24 locked up in my desk. But, like I said, it doesn't

1 give any details about what the interactions were  
2 about. It would just say saw [REDACTED] or TH.

3 Q. [REDACTED] was struggling academically in  
4 9th grade; is that right?

5 A. Yes.

6 Q. Do you have any understanding of why?  
7 What was going on that [REDACTED] wasn't doing well  
8 academically in 9th grade?

9 A. I'm not sure. I think it was a lot of  
10 different factors. But I think her being the only  
11 9th grader doing this virtual plan, I definitely  
12 don't think it was an ideal plan, because none of  
13 the teachers had -- were used to having a 9th  
14 grader come full time. And some of the times it  
15 was [REDACTED] with Mrs. Stabinski [ph], who was our  
16 IEP case manager, meeting with her and completing  
17 assignments. So it wasn't -- it wasn't an ideal  
18 situation.

19 Q. And when you say the virtual part, was  
20 that [REDACTED] was taking core classes, like her core  
21 education classes, online from North Penn?

22 A. I don't remember how many classes it  
23 was, but there was definitely one or two that she  
24 had to take with Ms. Stabinski, in her room, but I

1 wouldn't say that back then it was a virtual  
2 situation. It wasn't a virtual situation, it was  
3 just that she was receiving -- she was kind of  
4 receiving, like, one-on-one attention -- like,  
5 one-on-one classes for some of -- for a couple of  
6 her classes.

7 Q. Okay. And to your understanding, did  
8 [REDACTED] have, like, pre-existing ADHD?

9 A. Yes.

10 Q. Would you agree that North Montco has  
11 less supports for students with special needs, like  
12 with ADHD than, like, North Montco [sic] High  
13 School does?

14 A. I would say we definitely have less  
15 supports than North Penn High School --

16 Q. That's what I meant to call it.

17 A. -- for sure. But I do feel like we --  
18 we did offer -- we offered [REDACTED] quite a bit of  
19 help and went above and beyond to try to help her  
20 be successful.

21 Q. Yeah, of course.

22 When -- is there anything else that you  
23 can remember about [REDACTED] 9th grade year, whether  
24 it's involving [REDACTED] or her academics or anything



1     like that?

2           A.       I know that at the end of 9th grade  
3     year she was not accepted back into the full-time  
4     program for the upcoming year. So she was upset by  
5     that and Mrs. [REDACTED] was upset by that. She  
6     felt like 9th grade year was -- at North Montco was  
7     actually a really good year. I remember her saying  
8     that. And going to Mr. Fleck [ph], her auto  
9     teacher and bringing him doughnuts and thanking him  
10    for having it be a really great school year.

11                  So overall she was feel happy to be at  
12    North Montco, but her grades were definitely not  
13    where they needed to be. So that's why they said  
14    that she wasn't -- not just with the grades, but  
15    also she had been written up quite a few times for  
16    discipline referrals also.

17                  So they let her know that she could not  
18    return to the full-time program. She could return  
19    as a part-time student for auto for 10th grade  
20    year.

21           Q.       And did you work through processing  
22    that with [REDACTED] that she was upset about it? Was  
23    that one of the things you were discussing when she  
24    would come to see you?

1           A.       Yes.

2           Q.       Was [REDACTED] -- was there hesitation for  
3 her -- the alternative was her having to go to  
4 North Penn High School; is that right?

5           A.       Correct.

6           Q.       Did you talk with [REDACTED] at all about  
7 her feeling about having to go to North Penn High  
8 School, which she was avoiding by going to the tech  
9 school? Did you talk with her about that at all?

10          A.       Yes.

11          Q.       And can you tell me about those  
12 conversations that you were having?

13          A.       I just know that she was nervous about  
14 how different it was going to be and that the  
15 classes were going -- she felt like the classes  
16 were going to be bigger, and, you know, North Penn  
17 is just bigger all around.

18                    So, you know, I think there was --  
19 there was definitely a lot of anxieties with  
20 starting somewhere new and also about friendships.  
21 Like, who was she going to know? Or was she going  
22 to have anybody around that would -- you know,  
23 could be there for her.

24          Q.       Was she starting to, like, build some

1 of those relationships at North Montco?

2 A. Yeah. I mean, she -- there was  
3 definitely times where she was feeling connected  
4 and times she was not feeling connected, but for  
5 the most part it was a positive experience at North  
6 Montco and she was glad that she was there with us.

7 Q. In terms of [REDACTED] having to transition  
8 back to North Penn High School for the 10th grade,  
9 did she talk with you at all about any anxiety with  
10 [REDACTED] going to be there?

11 A. I don't recall her saying that to me at  
12 that time, but it was -- it was definitely one of  
13 those things that she had brought up to me as one  
14 of -- one of her things that she was anxious about  
15 as a 9th grader, that -- that having to see him.

16 Q. Okay. Were you in any meetings at this  
17 point, when [REDACTED] was going to be transitioning  
18 from 9th grade to 10th grade and going to North  
19 Penn High School for the 10th grade year? Did you  
20 talk to any of the district's administration about  
21 that transition?

22 A. I did not, but I know that  
23 Mrs. [REDACTED] set up a meeting with all the  
24 people that she thought were necessary to make sure

1     that [REDACTED] had a good transition back to taking  
2     her academics at North Penn.

3                     So I know that -- that Mrs. [REDACTED]  
4     said that that was something that was happening,  
5     that she was setting it up with special ed  
6     supervisors and IEP team, but I was not involved in  
7     that meeting.

8                     I was involved in the meeting at the  
9     end of the school year, the IEP meeting where they  
10    let [REDACTED] and her mom know that she would have to  
11    return to North Penn to take her academics and just  
12    stay with us part-time.

13            Q.     And that IEP meeting, that was the end  
14    of [REDACTED] 9th grade year?

15            A.     Correct.

16            Q.     What do you remember about -- you said  
17    [REDACTED] -- that's when [REDACTED] and her mom found out  
18    that [REDACTED] wasn't going to be able to stay at the  
19    tech school full time. What do you recall about  
20    what was being said and what [REDACTED] and her mom's  
21    reactions were?

22            A.     I just remember that there was a lot of  
23    people in that IEP meeting and I felt like it was a  
24    lot of -- a lot of people. And I felt that -- I

1 remember that Mrs. [REDACTED] and [REDACTED] being  
2 surprised that she wasn't going to be able to come  
3 back full time.

4 Q. Did [REDACTED] -- other than being  
5 surprised, did [REDACTED] seem upset at that meeting?

6 A. Yes. I mean, she definitely wanted to  
7 stay with us full time and she felt like she had  
8 made some good relationships with the teachers and  
9 with the students and so -- she -- you know, she  
10 would have been happy to stay in the full-time  
11 program. So she was upset that she wasn't going to  
12 be able to stay at North Montco's full-time  
13 program, that she would have to do her academics at  
14 North Penn.

15 Q. Do you recall whether there were any,  
16 like, district -- school district representatives,  
17 whether it was, like, superintendents or anybody on  
18 behalf of the school district that was at that IEP  
19 meeting?

20 A. There was definitely special ed,  
21 teachers from North Penn. I don't believe there  
22 was a superintendent there, but I know for a fact  
23 that there were representatives from North Penn,  
24 because whenever we have an IEP meeting at North

1 Montco, the representatives from the school,  
2 whatever school it may be, in this case it was  
3 North Penn, they send their representatives over to  
4 North Montco in order to hold the meeting.

5 So there was definitely at least one  
6 special ed teacher at the meeting. I believe there  
7 was possibly two.

8 Q. Do you recall if, like, [REDACTED] or any  
9 of those incidents were discussed at that IEP  
10 meeting?

11 A. Not that I recall.

12 Q. Okay. And so the decision's made that  
13 [REDACTED] is now going to have to go to North Penn  
14 part-time for the high school, for 10th grade. Did  
15 you have any involvement with, like, helping [REDACTED]  
16 transition over to North Penn? Like, any kind of  
17 tours or introductions or anything like that?

18 A. No. But I believe, like I said,  
19 that -- with Mrs. [REDACTED] as soon as she found  
20 out that [REDACTED] was going to be going back to North  
21 Penn for academics, Mrs. [REDACTED] said, "Okay.  
22 We need to set up these meetings now to make sure  
23 this is a good transition."

24 And I believe at that point that's when

1 she was going to have her start meeting with Becca,  
2 who is one of the counselors over at North Penn  
3 High School, and I just was encouraging [REDACTED]  
4 that, "Hey, you know, people think this counselor's  
5 amazing," and, you know, "You'll be in good hands  
6 with her." And just, you know, wanted to get her  
7 feeling hopeful and exited about the transition.

8 Like the fact that she -- you know,  
9 this wasn't what she wanted, but let's makes the  
10 best of this and make it a successful year.

11 Q. Was [REDACTED] from your understanding and  
12 your impression, starting to, like, feel a little  
13 bit more hopeful about splitting the day in 10th  
14 grade?

15 A. Yes. In fact, in 10th grade she  
16 even -- she even said to me, the beginning of 10th  
17 grade, that she felt like things were going really  
18 well.

19 Q. Did she explain, like, what she meant  
20 by that? Like, what was going really well about  
21 North Penn High School?

22 A. Well, so when she came to me to let me  
23 know that [REDACTED] was in class with her and was  
24 actually sitting right next door to her, she shared

1     that with me hoping that I would not have to share  
2     it with anybody else, that I could just keep that  
3     to I myself.

4                     Because she said, "You know what, like,  
5     this has been a school year and everything's going  
6     okay and I really -- I don't want this to cause any  
7     problems. I don't want there to be any issues. If  
8     we could just have this be between you and me and  
9     not report it, that would be -- that would be  
10    ideal."

11                    She really just wanted to get through  
12    the school year without any -- without any  
13    disruptions. Like, she felt like, "Okay. If you  
14    come forward with what I just told you, then this  
15    is really going to throw things off for me." And  
16    she'd rather just ignore it and just, you know,  
17    move on with her school year.

18            Q.       When you say ignore it, what -- what  
19    was she trying to ignore? What was going on?

20            A.       So when she came to me and let me know  
21    that she was in class with [REDACTED] and there was  
22    inappropriate things going on quite frequently, one  
23    of the things, you know, I asked her was why  
24    didn't -- you know, why didn't you say something



1     sooner? And one of the reasons was because she  
2     really -- she felt like the year was calm and she  
3     felt like things were calm and she had, like -- and  
4     it wasn't just academics. Like, she was always  
5     worried about the social piece of things also.

6                     Like, she felt like her friend group  
7     was good at that point and she felt like some of  
8     her friends were friends or acquaintances with  
9     [REDACTED] and so she really just didn't want any --  
10    any attention to be put on her. She kind of just  
11    wanted to just go through 10th grade without there  
12    being any issues.

13                    And, unfortunately, I told her, you  
14    know, this is something that I can't just keep to  
15    myself, it has to be reported. And she, you know,  
16    was upset by that because she was hoping that we  
17    could just somehow not report it.

18            Q.       When you said inappropriate things  
19    going on, what do you mean?

20            A.       So that's when she told me that [REDACTED]  
21    was touching her inappropriately sexually during  
22    class.

23            Q.       I'm sorry. I apologize. So touching  
24    her sexually inappropriately during class. Are

1 those the words that she used?

2 A. I can't say for sure that she said it  
3 exactly that way, but she -- she went into detail  
4 about what sort of thing was happening and I  
5 explained to her that we needed to call the police.

6 Q. Now, I know it's uncomfortable and, you  
7 know, kind of difficult to talk about, but it's  
8 important to understand, you know, what exactly she  
9 was saying or, you know, why you thought it was  
10 important to call the police.

11 So can you just, as difficult as it may  
12 be, you know, say specifically what she was telling  
13 you and kind of be more descriptive if you can?

14 A. She was saying that [REDACTED] purposely  
15 had her -- had his desk right next to her desk, and  
16 was -- he was going underneath her shorts or her  
17 pants and her underwear and using his fingers on  
18 her inappropriately.

19 Q. I apologize for the level of detail,  
20 but, like, do you mean in her vagina?

21 A. Correct.

22 Q. Or in her -- in her rectum? Or was it  
23 both or just one or the other?

24 A. I believe it was just her vagina.

1           Q.       And you said this was in the back of  
2   the classroom?

3           A.       I'm not sure if it was in the back of  
4   the classroom, but I believe when she told me about  
5   it, I pictured it towards the back over to the  
6   side. I'm kind of surprised that she was able to  
7   have her desk so close to [REDACTED] and that it  
8   wasn't that -- no attention was brought to it. But  
9   I didn't actually see the layout, so I'm not sure  
10  exactly how it was set up.

11          Q.       When you say her desk so close to  
12  [REDACTED]'s, did she describe for you, like, how close  
13  the desks were?

14          A.       She had told me that [REDACTED] pulled up  
15  his desk so that -- like, [REDACTED] wanted their desks  
16  right next door to each other.

17          Q.       Like where their desks were touching do  
18  you mean?

19          A.       Yes.

20          Q.       When you say that [REDACTED] had  
21  purposely -- or I think was putting his fingers  
22  under her shirts -- or her shorts and her underwear  
23  and into her vagina, that you said -- did this  
24  happen -- do you know about how many times that had

1 happened in the classroom?

2 A. I know that it definitely happened more  
3 than once and it seemed that it had been going on  
4 for quite a while, since, like, the beginning of  
5 the school year.

6 Q. And do you know about when it was that  
7 [REDACTED] brought this information to you?

8 A. I believe -- I don't have it in front  
9 of me, but I remember -- I believe it was October.  
10 Whatever day it was, we called the Towamencin  
11 police and they came in on that day to discuss all  
12 the details.

13 Q. Why did you -- I think you said you had  
14 to call the police or you wanted to call the  
15 police, or something like that. Why was that?

16 A. Just the fact that she had told me that  
17 somebody touched her sexually inappropriately.  
18 That would -- that's the way our school handles a  
19 situation like that. If -- if abuse is reported,  
20 then we have to report it.

21 Q. When you say -- I mean, you just used  
22 the term "abuse," when abuse is reported. How --  
23 was there an impression that you got or something  
24 that [REDACTED] told you perhaps that made you

1 categorize this as abuse and not something like two  
2 kids consensually doing something in the back of  
3 the classroom?

4 A. She made it very clear that this was  
5 not something she wanted to happen. It wasn't  
6 something that both of them decided on. It was --  
7 this was something he was doing to her while she  
8 was in class. It wasn't something that she  
9 asked -- that she asked to happen or that she went  
10 along with. Like, she made it seem like it was  
11 unwanted. It was unwanted.

12 Q. And as she's -- are these things that  
13 she's actually expressing to you?

14 A. Yes.

15 Q. And did you believe her when she was  
16 telling you that stuff?

17 A. Yeah.

18 Q. When she was telling you all of this,  
19 was -- what was her demeanor like? Was she upset  
20 at all or how was she -- when she was telling you  
21 all this stuff, how was she?

22 A. She was very anxious and upset.  
23 Because, like I said, like, she -- she was hoping  
24 we wouldn't even have to report it. Like she was

1 kind of like, I have something that I feel like you  
2 should know, but, you know, but I'm afraid to tell  
3 you.

4 And so that's when I explained to her  
5 that, you know, depending on what it was, I would  
6 have to report it, depending on what she was about  
7 to tell me.

8 And so we had that discussion, but,  
9 yeah, she was very anxious about what was this  
10 going to mean? Like, how was this going to disrupt  
11 her life, is how she felt like. And, you know, "Do  
12 you have call anybody? Do you have to call my  
13 family? Do you have to get North Penn involved?"

14 And I'm like, "Yes, I need to do all  
15 those things."

16 Q. And she made a decision to tell you --  
17 or she still told you after you explained all of  
18 that about I can't keep secrets and I might have to  
19 report this depending upon what you say, she still  
20 told you all of that?

21 A. Correct.

22 Q. Did she explain to you or did you get a  
23 sense from her of, like -- I mean, she didn't want  
24 things to be disrupted or changed, but what exactly

1 she was afraid of or nervous about by telling you  
2 these things?

3 A. One of the things that would come up  
4 quite a bit was the fact that she -- she felt like  
5 [REDACTED] was very popular and well liked. I believe  
6 he was on the football team and she really felt  
7 like -- like that was one of the things that she  
8 was worried about, was how was this, you know -- if  
9 this were to come out regarding [REDACTED] what -- how  
10 was that going to affect her? In all ways. You  
11 know. Like, she was very anxious about -- about  
12 how everything was going to play out, because she  
13 really just kind of wanted to just go through 10th  
14 grade year and not have to worry about any of this  
15 stuff.

16 Q. When you say not have to worry about  
17 any of this stuff, what do you mean?

18 A. You know, just focus on academics and  
19 not have to worry about [REDACTED] touching her in  
20 class.

21 Q. Was she worried about, like, her, like,  
22 education being disrupted, like, if things were  
23 going well for her other than the [REDACTED] situation?  
24 Like, was she worried about having to leave school?

1 Did she tell you that?

2 A. I think she was worried about a lot of  
3 different things, because there was a lot of  
4 transition that had already happened. And -- and  
5 those things were important to her. Like, who she  
6 had as -- you know, she -- she loved her teachers  
7 and she loved her classmates and feeling -- you  
8 know, feeling like she belonged and was doing well  
9 was, you know, important to her, just like it is to  
10 every high school student I know.

11 Q. Was she afraid -- did she talk to you  
12 at all about being concerned about, like, bullying  
13 or any type of retaliation?

14 A. Yeah. That was one of the things that  
15 she was definitely concerned about, was how was  
16 this going to impact her and was there going to be  
17 any retaliation, especially because she felt like  
18 [REDACTED] was very popular and well liked at the  
19 school. So that was definitely something that she  
20 brought up to me for sure.

21 Q. We talked about the digital penetration  
22 that [REDACTED] described to you. Was there any other  
23 incidents that [REDACTED] told you about about [REDACTED]  
24 inappropriately touching her in any other way?



1           A.       It -- when she let me know what was  
2   happening, she made it sound like it wasn't just a  
3   one-time deal in social studies. Like, it was --  
4   it was ongoing. Like, it went on for -- I  
5   believe -- like I said, I believe it was October  
6   when she told me, and she told me it had been  
7   happening the entire school year.

8                   So from the point that I called the  
9   police, that's -- she was saying this sort of thing  
10  was happening up until then. And at that time I  
11  don't believe she went into too much detail about  
12  how often these things were happening.

13                  When I get a report like this, we do  
14  our best, like, not to ask too many questions,  
15  especially because we knew that, you know, the  
16  police were going to be involved. And so she just  
17  gave me kind of like the bare minimum to just let  
18  me know that this sort of thing was -- that it had  
19  been happening and it had happened at least more  
20  than once during that time period.

21         Q.       Did she describe anything about  
22  inappropriately touching, like, in the breast area  
23  or anything like that, or was it all, like, under  
24  the underwear type touching?

1           A.       I believe she might have said that he  
2 would -- he touched her in other ways too, but I'm  
3 not -- I don't recall. I don't remember for sure.

4           Q.       Do you recall what other ways you're  
5 referring to or what she was referring to?

6           A.       All I know is that it happened more  
7 than just once and I forget if -- you know, what  
8 was happening when. You know. All I know is that  
9 this -- there was inappropriate touching going on  
10 that she did not want, but I don't remember the  
11 details.

12                   And to be honest with you, like, she --  
13 I didn't want to ask too many details because of  
14 the sensitivity of the situation, but she did let  
15 me know that fingers -- that [REDACTED] did use his  
16 fingers underneath her underwear during class. But  
17 I don't know if -- how often that happened, but I  
18 know at least one time that happened.

19           Q.       When you say that [REDACTED] was upset and,  
20 like, very anxious as she's telling you this,  
21 what -- was she crying or what was it that gave you  
22 the impression that she was upset and very anxious?

23           A.       I'm not sure if she was crying that  
24 time, but she would cry. She would definitely show

1 all the signs of somebody with anxiety, asking lots  
2 of questions. Like I said, she -- she really was,  
3 like -- "I don't know if I want to tell you this,  
4 because you might have to tell somebody."

5 And I'm like, "Well, these are the  
6 reasons why I would have to tell somebody. And  
7 whatever it is, I'd like for you to tell me,  
8 obviously."

9 So she definitely showed all the signs  
10 of being anxious about -- about letting me know and  
11 what was going to happen next. I can't say for --  
12 you know, for sure at this point whether she was  
13 crying. I wouldn't -- I wouldn't doubt it, because  
14 she was tearful with me in my office. She felt  
15 comfortable crying in my office if she -- if that  
16 was what was going on. But I just know that she  
17 was very worried about how things were going to  
18 play out.

19 I remember calling Mom and she was in  
20 Philadelphia working and I was very nervous about  
21 Mom driving after hearing the news. So I wanted  
22 her to, you know, take it easy and go slow because  
23 I knew all of this wasn't going to go over well.

24 So -- so [REDACTED] was very anxious with

1 the magnitude of what she had shared with me and  
2 the fact that I did have to get others involved.

3 Q. I know you said that you reported it to  
4 the Towamencin police, right?

5 A. Correct.

6 Q. Was that, like, a telephone call or was  
7 there some type of written report that you send  
8 over?

9 A. No. I think it was just a telephone  
10 call and then they came and met with [REDACTED] and her  
11 mom. And I wasn't involved with that, that part of  
12 the situation.

13 Q. Do you know why you were not involved?

14 A. No.

15 Q. Do you know whether they interviewed  
16 [REDACTED] there at the school?

17 A. I believe so, but I can't say for sure  
18 that I -- that that's how it went down.

19 Q. You also said that you had called  
20 Mrs. [REDACTED] as well.

21 A. Correct.

22 Q. And you said that, based on what you  
23 told her, you were concerned, like, for her safety  
24 about driving to the school for [REDACTED]

1 A. Correct.

2 Q. What do you remember about that  
3 conversation with Mrs. [REDACTED]

4 A. I just know she was really surprised  
5 and really upset. Like, how could this have  
6 happened?

7 Q. What do you mean she was surprised?

8 A. She was -- Mrs. [REDACTED] was very  
9 upset and she just couldn't believe that [REDACTED] was  
10 in the same class with her daughter, because she  
11 had already met with North Penn and discussed with  
12 them how important it was to not have [REDACTED] in the  
13 same class with [REDACTED]

14 So she was shocked that this happened.  
15 That they were in class together. She was  
16 surprised by that. She didn't -- she thought she  
17 had already covered all of her bases and that there  
18 was no way that something like this would happen.

19 Q. Other than calling Towamencin police  
20 and Mrs. [REDACTED] was there anybody else that  
21 you had to, like, inform or did inform about this?

22 A. We definitely would have informed North  
23 Penn, but I can't say for sure if it was me who  
24 made that call or Dr. LaBlanc. Usually the way it

1 goes is Dr. LaBlanc will speak with the  
2 administrator that's involved. And the fact that  
3 this was, you know, everything that -- because it  
4 was a serious situation, I believe Dr. LaBlanc most  
5 like called the administrator involved to let them  
6 know what was occurring.

7 Q. Do you happen to know who that  
8 administrator was or who the person from North Penn  
9 was?

10 A. No. Not at this time.

11 Q. Okay. Like, do you know whether it  
12 was, like, the principal or whatever? Even if you  
13 don't know the name, like, what title or position  
14 that person held?

15 A. No, because it could have --  
16 sometime she would -- a lot of times she would  
17 reach out to the assistant principal. So I don't  
18 know if she reached out to the assistant principal  
19 or the principal or both people at that time.

20 Q. After these brief calls were made that  
21 day, what -- what happened in terms of meetings or  
22 anything afterwards from this report?

23 A. I believe what I had heard was that  
24 [REDACTED] -- when it was time for [REDACTED] to go to

1 Mission Kids and let her -- and explain what had  
2 happened, I believe [REDACTED] decided to not go  
3 forward with it, with -- with going forward with  
4 the fact that she was being touched inappropriately  
5 by [REDACTED]

6 Like, I don't think she wanted -- she  
7 just didn't want any part of it. Like, she didn't  
8 want to have [REDACTED] get in trouble or have any more  
9 issues. Like, she was very worried about how all  
10 of this was going to impact her life.

11 Q. How do you -- how do you know that?

12 A. Because these were all things, like,  
13 she would share with me. And also Mrs. [REDACTED]  
14 had told us that she -- she decided that she didn't  
15 want to go any further with it. I guess it was the  
16 decision about whether to press charges or not. So  
17 that was the -- that's what I had heard. Like,  
18 that she didn't -- she just wanted to be done with  
19 it. She didn't want to go further with it.

20 Q. In your talking to [REDACTED] -- I assume  
21 you met with her after this point or talked with  
22 her after this point, right?

23 A. Yes, but I can't say for sure that we  
24 talked about any of this, because it was a very,

1     like, sensitive situation.  We -- she would come to  
2     meet with me about all kinds of different things  
3     that were going on, not just with this situation  
4     with [REDACTED]

5                     So anyway, I can't say for sure that  
6     she talked to me about what had gone on after --  
7     after that point.

8             Q.       Do you know why she didn't want charges  
9     pressed or, if that's your understanding, like,  
10    what the motivation was behind that?

11            A.       I was told that she just wanted to --  
12    she just wanted to be done with it and she didn't  
13    want -- she just wanted to, like I said, move on  
14    with her school year.

15                    She felt like things were going pretty  
16    well and she didn't want to bring any more  
17    attention to herself or the situation.  Like,  
18    she -- she didn't want to have to -- she didn't  
19    want to have to deal with the situation anymore.  
20    And she was worried about how it was going to  
21    impact her with, you know, [REDACTED] being popular and  
22    her friends being friends with [REDACTED] or  
23    acquaintances with him.

24            Q.       Did you notice -- other than, like,



1 actual conversations that you had with [REDACTED] did  
2 you notice, like, an impact on her or a change in  
3 her after the incidents that happened in 10th  
4 grade?

5 A. I can't say for sure, because she was  
6 having a hard time for a lot of different reasons.  
7 And I can't say that it was directly because of  
8 what she had told me about her being in class with  
9 [REDACTED] but that, obviously, had a big impact on  
10 her; and I could see that based on how upset she  
11 was.

12 But she also would come to me regarding  
13 other situations that were going on in life. So I  
14 can't say how much of it was due to what had taken  
15 place with [REDACTED] and how much of it had to do with  
16 other situations that were going on.

17 Q. Did you participate in any meetings  
18 with the district administration or representative  
19 about that, the assault?

20 A. No.

21 Q. Did anyone from North Penn School  
22 district ever talk to you about, like, [REDACTED]  
23 disclosure to you or anything like that?

24 A. No.

1           Q.       Like, not the principal or, like, the  
2 Title IX coordinator or anyone?

3           A.       No. I don't recall having any  
4 discussions with anyone. The only one I would have  
5 reached out to, on my end, is the school counselor.

6                   Like I said, with most situations, our  
7 principal, Dawn LeBlanc, would reach out to her  
8 administrative contact and I would reach out to my  
9 school counseling contact; but because of the  
10 sensitivity of the situation, I definitely would  
11 not go into detail about anything.

12                   I knew that this was something that  
13 needed to be reported and -- and that I was -- you  
14 know, that was my part of it, and then I was done  
15 with that.

16          Q.       In your experience, was [REDACTED] -- like,  
17 you said that she, like, didn't want anything  
18 else -- that she didn't want to, like, go through  
19 with the criminal prosecution and that kind of  
20 stuff.

21                   In your experience as a guidance  
22 counselor for high schoolers, is that typical for  
23 students that report abuse like you described?

24          A.       Absolutely.

1 Q. And in your experience, what -- like  
2 why is that common or if you have an understanding?

3 A. In my experience, what [REDACTED] said was  
4 what a lot of -- I had a lot of other students say.  
5 They're afraid of retaliation. They're afraid of  
6 what will happen if they report what's going on.  
7 So, yeah, that's my experience for sure. That --  
8 she was just -- you know, she was afraid.

9 Q. To your understanding, in speaking with  
10 [REDACTED] when she was disclosing, did she want the  
11 abuse to stop from [REDACTED]

12 A. Yes, but she honestly, like, from what  
13 she had told me, she did not -- she did not know  
14 how to handle the situation. She felt like, you  
15 know what, he's friends or acquaintances with some  
16 of my friends and acquaintances, he's very popular,  
17 I just -- you know, she wanted it to stop, but she  
18 didn't want there to be any backlash from anybody.

19 Q. Like towards her?

20 A. Correct.

21 Q. Do you know what, if any, support the  
22 district gave [REDACTED] after her disclosure in 10th  
23 grade?

24 A. I know she definitely started meeting

1 with Becca from North Penn. Becca would come over  
2 Wednesday morning and she would meet with [REDACTED]  
3 actually right across from my office. They would  
4 have probably about 45 minutes to an hour every --  
5 every week, and I believe it was every Wednesday  
6 morning. And she had a really good rapport with  
7 Becca, so I was glad that she had her as a support.

8 Q. Do you know why [REDACTED] -- since you  
9 were kind of her support before [REDACTED] went to  
10 North Penn, why she was meeting with Becca instead  
11 of you?

12 A. Well, Becca is -- I don't know if she  
13 still is, but she was through the Lakeside. Like,  
14 she was kind of like what I was when I used to work  
15 at North -- my first year working at North Montco.  
16 I was hired through an outside agency. So I was --  
17 my purpose was to work with kids that needed that  
18 extra support and that's -- that's Becca purpose,  
19 was that she was going to give [REDACTED] you know,  
20 the 45 minutes or hour per week, and they felt that  
21 she would have the ability to fit that into her  
22 schedule.

23 I think they knew that, because I was a  
24 school counselor, that they couldn't count on me

1 being available for 45 minutes to an hour every  
2 week.

3 Q. Okay. Do you know whether the district  
4 put any other supports in terms of, like,  
5 academics? Now that [REDACTED] was going to be going  
6 into North Montco again full time in 10th grade,  
7 whether there was any additional implementation to  
8 help [REDACTED] academically?

9 A. Not that I'm aware of.

10 Q. Were you part of the IEP meeting in  
11 10th grade with [REDACTED] transitioning back full time  
12 to North Montco?

13 A. I don't believe so. I know there was  
14 an email saying that they did a reevaluation and  
15 that she had a new -- at that point they said that  
16 she had emotional disturbance and still had the  
17 ADHD diagnosis, but I wasn't actually in the IEP  
18 meeting for that. That was just shared with me --  
19 actually, Mrs. [REDACTED] shared that email with  
20 me. That, hey, this is -- you know, this is new.

21 Of course, whenever anybody has an IEP  
22 meeting, we get a copy of the new IEP. So that  
23 would have definitely happened also.

24 Q. Do you have an understanding of what

1 the new diagnosis of emotional disturbance, what  
2 lead to or why [REDACTED] had that new diagnosis in  
3 addition to her prior ADHD?

4 A. I don't know.

5 Q. Do you know whether it had anything to  
6 do with the incidents with [REDACTED]

7 A. I'm not positive, but I feel like it  
8 was after -- after that situation that they had her  
9 reevaluated.

10 Q. When you say "they had her  
11 reevaluated," who are you are referring to?

12 A. Like, Mrs. [REDACTED] and her IEP  
13 team.

14 Q. Like, through the district?

15 A. Exactly.

16 Q. Are there any conversations that you  
17 had with Wendy that we haven't already discussed,  
18 like, involving the district and [REDACTED] or anything  
19 like that?

20 A. I don't think so.

21 Q. And what about for the North Penn  
22 administration or, like you said, Becca, the  
23 counselor, and about the incidents with [REDACTED] at  
24 the high school?

1           A.       Are you -- are you asking if I had any  
2       conversations about -- about what had -- what was  
3       reported to me? Did I have any discussions with  
4       Becca?

5           Q.       Or even -- yeah, just kind of more  
6       generally about, you know, [REDACTED] being supported  
7       or what happened, the incidents with [REDACTED] that  
8       [REDACTED] had talked to you about. Did you have any  
9       conversations with Becca about that that we haven't  
10      talked about?

11          A.       I definitely stayed in touch with  
12      Becca, but most of the time she would check in with  
13      me right before she left, and there wasn't anything  
14      that she would have to share with me.

15                 So most of the time she would just  
16      come, meet with [REDACTED] and then head out. So we  
17      didn't have that many discussions about what --  
18      what they discussed. And I don't remember having  
19      any discussions with Becca at -- at any point  
20      regarding what was reported to me.

21          Q.       Okay. And would Becca just come to  
22      North Montco specifically to meet with [REDACTED]

23          A.       Yes.

24          Q.       Do you recall having any conversations

1 with any North Penn administration or teachers  
2 about [REDACTED] and the incidents with [REDACTED]

3 A. No.

4 Q. What about in terms of [REDACTED], like,  
5 emotional disturbance or the emotional  
6 psychological impact this was having on her?

7 A. I know that in 9th grade the teachers  
8 were made aware that she was coming to us full time  
9 because of confidential information, you know, so.  
10 And they knew about the safe -- like, the team knew  
11 about the safety plan, but they -- I wouldn't say  
12 that anybody knew about what was reported to me in  
13 10th grade. None of that would have been shared  
14 with any of the teachers.

15 Q. Like the North Penn teachers you mean?

16 A. Right. Or North Montco teachers.

17 Q. What about North Penn administration,  
18 like the principal? Do you know whether they were  
19 made aware of the incidents with [REDACTED] being  
20 abused by [REDACTED] in the classroom?

21 A. I'm assuming that Dr. LaBlanc, the  
22 principal at the time, would have reached out to  
23 the North Penn administration. That was something  
24 that would happen every time a situation like that



1 would occur, that would -- that would definitely be  
2 something that our administration would share with  
3 North Penn's administration.

4 Q. When you said the team knew about the  
5 safety plan that was in place, is this the safety  
6 plan in 9th grade that North Montco implemented for

7

8 A. Correct.

9 Q. When you say the team knew about it,  
10 are you saying North Penn School District's team?

11 A. Right. North Penn was aware that we  
12 had set up a safety plan. So it was shared --  
13 definitely shared with the people that needed to  
14 know at North Penn and also shared with the people  
15 at North Montco that needed to know.

16 Q. When you said the people that needed to  
17 know, would that have included North Penn's high  
18 school principal?

19 A. I would think so.

20 Q. Like, who are you referring to, I  
21 guess, when you're saying that the district knew or  
22 they were -- the team knew about the safety plan?

23 A. I know that it was shared with North  
24 Penn and I believe Dr. LaBlanc shared it with her

1 contact over at admin -- at North -- her  
2 administrative contact over at North Penn, but I'm  
3 not sure which administrator was included on that  
4 plan.

5 Q. Okay. And when you say North Penn, are  
6 you talking about the high school or the district  
7 or both?

8 A. I guess both, because I'm not sure who  
9 Dawn LeBlanc was -- like who her point persons  
10 were. I knew there were certain people that she  
11 would reach out to, but I'm not sure who her point  
12 person was when it came to [REDACTED]

13 Q. Okay. But you may not know the answer  
14 to this question if you weren't part of the  
15 conversation or the decision to do so, but do you  
16 know why, since [REDACTED] was full time at the time at  
17 North Montco, why North Penn was being notified  
18 about the safety plan for [REDACTED]

19 A. Even when we got kids come to us as  
20 full-time students, we know that that student still  
21 is technically a student of their sending district.  
22 So we definitely still want to keep their district  
23 notified of what's going on. So we try to stay in  
24 communication with the counselors and

1 administration as much as possible about any of the  
2 students coming to us, even if they are coming to  
3 us full time.

4 Q. Other than we talked about the 6th  
5 grade incidents that you were made aware of that --  
6 with [REDACTED] in [REDACTED] 9th grade year, and then  
7 the 9th grade incidents where she was seeing him in  
8 the hallway and having the panic attacks, and then  
9 the incidents in 10th grade, was there any other  
10 incidences or abuse that [REDACTED] told you about from  
11 [REDACTED] in any other situations?

12 A. Not from [REDACTED]

13 Q. Okay. Are you referring to, like,  
14 something that happened to [REDACTED] when she was like  
15 five?

16 A. Yes.

17 Q. Okay. When [REDACTED] came back to North  
18 Montco with this emotional disturbance and you said  
19 that there was a meeting and new evaluation of  
20 [REDACTED] do you recall anything about [REDACTED] name  
21 getting put in [REDACTED] IEP?

22 A. I'm not aware of that.

23 Q. After [REDACTED] had returned and was now  
24 receiving most of her emotional support from Becca,

1 did you have, like, any conversations or any time  
2 that you were supporting [REDACTED] after that point?

3 A. Yes. Because things would come up, you  
4 know, other than that one time. Like I said, I  
5 think it was Wednesday mornings, I'm pretty sure.  
6 Usually it was like first thing in the morning. So  
7 she knew she had me as a support for any other time  
8 during the school day when she was -- when she was  
9 at North Montco.

10 So she definitely still, like, stayed  
11 in touch with me and talked to me about things.  
12 But she knew that she would have that time with  
13 Becca, and that kind of was like her time to  
14 discuss whatever she needed to discuss at that  
15 time. But she definitely would still come and see  
16 me after Becca was put into place.

17 Q. Did she ever talk to you about the  
18 impact the assault by [REDACTED] had had on her,  
19 whether it's in 6th grade or in 10th grade?

20 A. It was definitely something that  
21 impacted her because I know she had a hard time  
22 fitting in. Like, she -- she had a hard time -- I  
23 believe she -- she had to go to a different middle  
24 school after that situation with [REDACTED] And then,

1     you know, she was coming to us full time in ninth  
2     grade.

3                     So I know that there was a lot of, you  
4     know, anxiety with -- with, like I said, just being  
5     a high school student in general, but then throwing  
6     this other layer on top of it definitely -- you  
7     know, it definitely impacted her life for sure and  
8     it was something that she would -- she would share  
9     with me is that, you know -- she was very excited  
10    when she would make a new friend or be able to hang  
11    out with somebody on the weekend, because those  
12    things were not coming easy to her. So when she  
13    did have those successes, when she did make a new  
14    friend or was feeling like she was accepted, it was  
15    definitely a big deal for her.

16            Q.       What about in terms of after the 10th  
17    grade abuse incidents? Anything like that you can  
18    add onto like how she was feeling or how it was  
19    impacting her?

20            A.       I don't feel like there's anything else  
21    to add.

22                     MS. LAUGHLIN: Okay. I think those are  
23    all the questions I have for you, Ms. O'Brien.

24                     I don't know if, Ms. Cantor, if you

1           have any questions.

2                       MS. CANTOR: I just have a few  
3           follow-up. Do you need to take a break or  
4           anything? I don't have many.

5                       THE WITNESS: No. That's okay.

6                               - - -

7                               EXAMINATION

8                               - - -

9   BY MS. CANTOR:

10           Q.       Okay. So you testified regarding the  
11   safety plan that you had set up in order to make it  
12   so that [REDACTED] didn't have to pass [REDACTED] in the  
13   hallway, correct?

14           A.       Correct.

15           Q.       Do you recall when that safety plan was  
16   instituted?

17           A.       No.

18           Q.       When in the school year, if you need  
19   to?

20           A.       No, I don't know exactly.

21           Q.       And was that a safety plan that was set  
22   up between you and [REDACTED] or were there other  
23   people involved in setting that up?

24           A.       Other people were definitely involved

1 with setting that up.

2 Q. Who else would have been involved?

3 A. I know Dr. LaBlanc. It was -- she was  
4 the one who said we're doing this. And I know  
5 security was aware, because they were involved with  
6 having her go outside and not have to walk past  
7 drafting.

8 Q. And as far -- once that safety plan was  
9 set up, did you hear anything else from [REDACTED] in  
10 terms of any concerns she had with [REDACTED] at least  
11 during 9th grade?

12 A. No.

13 Q. When [REDACTED] came to you in October of  
14 10th grade to tell you about the incidents going on  
15 with [REDACTED] in class, had she told you at all prior  
16 to that that [REDACTED] was in her class?

17 A. No.

18 Q. So on the same day that she told you  
19 about the incidents occurring with [REDACTED] was also  
20 the same date that she told you that [REDACTED] was in  
21 her class; is that fair?

22 A. Correct.

23 Q. Did [REDACTED] say anything to you at that  
24 time that she had told anyone at the North Penn

1 School District that [REDACTED] was in her class?

2 A. No. It was my understanding, because  
3 that was one of the first thing we discussed, like,  
4 did you tell anybody else? And at that point it  
5 was my understanding that I was the first person  
6 that she was telling that at that time. Nobody  
7 else knew.

8 Q. And when [REDACTED] was in 9th grade, were  
9 there any other -- any issues that you were made  
10 aware of with regard to any disciplinary issues  
11 with [REDACTED] while she was in ninth grade at North  
12 Montco?

13 A. She was definitely written up for  
14 several different infractions during 9th grade.  
15 That was one of the main reasons why they felt that  
16 she should not come back to the full-time program.  
17 Because that was one of our policies, that you're  
18 not supposed to be written up three or more times  
19 per school year or be failing -- you can't be  
20 failing your lab and also attendance comes into  
21 play.

22 I know that she was written up for  
23 several different things, but a lot of -- a lot of  
24 the things that she was written up for were, like,



1    having her phone out; drinking, like, a Monster  
2    beverage during class.  It was definitely like a  
3    lot of minor infractions.

4           Q.       Do you know how many times she was  
5    written up?

6           A.       I believe it was nine.

7           Q.       Were you aware of an incident where she  
8    was drinking alcohol at school?

9           A.       Yes.

10          Q.       When did that occur?

11          A.       I believe that was 10th grade,  
12    actually.  The beginning of 10th grade.

13          Q.       And what discipline, if any, was [REDACTED]  
14    subjected to for that?

15          A.       I'm not sure, because I don't handle  
16    the discipline, but for something like that, I  
17    believe she definitely got an out-of-school  
18    suspension.

19          Q.       Have you had any communication with  
20    either Attorney Laughlin or anyone from her office  
21    outside of the deposition?

22          A.       No.  Just to set this up.

23          Q.       Did [REDACTED] ever tell you anything about  
24    the 6th grade incident with [REDACTED]

1           A.       Yes. But I also feel like the reason  
2 why I was even hearing about it is from that phone  
3 call from Mrs. [REDACTED] reaching out to  
4 Dr. LaBlanc and myself to say, "Hey, this is -- you  
5 know, I'm upset that you have [REDACTED] [REDACTED] at your  
6 school when this happened back in 6th grade."

7           Q.       And you're referring to a phone call  
8 with regard to [REDACTED] passing [REDACTED] in the  
9 hallway?

10          A.       Yes.

11          Q.       And did [REDACTED] ever tell you anything  
12 about the 6th grade incident?

13          A.       I can't say for sure that she told me  
14 from her mouth. I know I found out about it  
15 because of Mrs. [REDACTED] reaching out to us.

16                   MS. CANTOR: That's all the questions I  
17 have.

18                   Thank you.

19                   THE WITNESS: Okay.

20                   MS. LAUGHLIN: I just have a couple  
21 follow-up questions and you'll be out of here  
22 shortly.

23                               - - -

24                               EXAMINATION

1 - - -

2 BY MS. LAUGHLIN:

3 Q. When -- do you know whether you ever  
4 asked [REDACTED] specifically to tell you about what  
5 had happened in 6th grade with [REDACTED]

6 A. I highly doubt it. Because it was --  
7 it is such a sensitive situation, it's not  
8 something I would bring up.

9 Q. Okay. Do you know why -- you had just  
10 told Ms. Cantor that you were the first person that  
11 [REDACTED] told about the abuse by [REDACTED] in 10th grade  
12 and the fact that he was in her class. Do you know  
13 why you were the first person that she told?

14 A. She felt very comfortable with me, and  
15 I think she knew that I had her best interest at  
16 heart. She felt comfortable talking to me about  
17 pretty much anything. So it doesn't surprise me  
18 that she came to me with that information.

19 Q. Did she tell you why she didn't, like,  
20 tell the social studies teacher or the principal at  
21 North Penn or somebody like that at the high  
22 school?

23 A. She -- she told -- she spoke about that  
24 with me because that was one of my first questions.

1 Like, "Oh, my gosh. How long has this been going  
2 on for?"

3 And she was she like, "The entire  
4 school year."

5 And I'm like, "Why didn't you say  
6 anything?"

7 And she was, you know, very worried  
8 about retaliation and how this was going to affect  
9 her.

10 Q. And I know that you don't know the  
11 exact time that you worked to institute the safety  
12 plan in 9th grade, but was it after [REDACTED] had seen  
13 [REDACTED] in the hallway?

14 A. Absolutely. That was why -- that's the  
15 reason why the safety plan was implemented, so that  
16 she wouldn't have to see [REDACTED] anymore.

17 Q. Was that at the -- if you can estimate  
18 for me, was that at the start of [REDACTED] 9th grade  
19 year?

20 A. I really do feel like it was at the  
21 very beginning of the school year. It was after  
22 Mrs. [REDACTED] already reached out to Dawn and I  
23 to say, "Hey, this -- you know, [REDACTED] [REDACTED] in  
24 your school and my daughter's having anxiety

1 attacks passing him in your school."

2 So that's when the idea of a safety  
3 plan to help her avoid [REDACTED] as much as possible,  
4 that's when it was set up.

5 MS. LAUGHLIN: Those are all the  
6 questions I have.

7 Any other questions?

8 MS. CANTOR: Nothing else.

9 MS. LAUGHLIN: Okay. You're free to  
10 go.

11 Thank you so much for your time, Ms.  
12 O'Brien.

13 THE WITNESS: Okay. Thank you.

14 - - -

15 (Witness excused.)

16 - - -

17 (Whereupon, the deposition was  
18 concluded at 3:38 p.m.)

19 - - -

20

21

22

23

24

C E R T I F I C A T E

I, Nancy J. Taguinot, RPR, CCR(NJ),  
Registered Professional Reporter and Notary Public  
in and for the Commonwealth of Pennsylvania,  
certify that the foregoing is a true and accurate  
transcript of the remote deposition of said  
witness, who was first duly sworn by me on the date  
and place hereinbefore set forth.

I further certify that I am neither  
attorney nor counsel for, nor related to or  
employed by, any of the parties to the action in  
which this remote deposition was taken, and  
further, that I am not a relative or employee of  
any attorney or counsel employed in this action,  
nor am I financially interested in this case.



Nancy J. Taguinot, RPR, CCR(NJ)

Notary Public

New Jersey License No. 30XI00100500

EXHIBIT “N”

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 JANE DOE :NO. 2:20 CV  
:05142  
4 V. :  
:  
5 NORTH PENN SCHOOL :  
DISTRICT :

6  
7 - - -  
8 November 5, 2021  
9 - - -

10 Remote Zoom deposition of  
11 PETER NICHOLSON, taken pursuant to  
12 notice, was held at the location of the  
13 witness, commencing at 10:02 a.m., on the  
14 above date, before Emily Andreasen, a  
15 Court Reporter and Notary Public for the  
16 Commonwealth of Pennsylvania.

17  
18  
19  
20  
21  
22 - - -  
23 GOLKOW LITIGATION SERVICES  
877.370.3377 ph| 917.591.5672 fax  
24 deps@golkow.com



A P P E A R A N C E S:

FREIWALD LAW

BY: LAURA E. LAUGHLIN, ESQUIRE

1500 Walnut Street

18th Floor

Philadelphia, Pennsylvania 19102

(215) 875.8000

lel@freiwalddlaw.com

Representing the Plaintiff

HENDRZAK & LLOYD

BY: SUSAN LLOYD, ESQUIRE

3701 Corporate Center Parkway

Suite 100

Center Valley, Pennsylvania 18034

(610) 709-8705

susan.lloyd@zurichna.com

Representing the Defendant

WISLER PEARLSTINE, LLP

BY KYLE J. SOMERS, ESQUIRE

460 Norristown Road

Suite 110

Blue Bell, Pennsylvania 19422

(610) 825-8400

ksomers@wispearl.com

Representing the Defendant

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I N D E X

- - -

WITNESS	PAGE
PETER NICHOLSON	
By Ms. Laughlin	4

E X H I B I T S

- - -

NO.	DESCRIPTION	PAGE
	(No exhibits were marked.)	

(It is hereby stipulated and agreed by and among counsel for the respective parties that reading, signing, sealing, certification, and filing are waived; and that all objections, except as to the form of the question, are reserved until time of the trial.)

10

11 PETER NICHOLSON, after  
12 having been duly sworn, was  
13 examined and testified as follows:

14

15 EXAMINATION

16

17 BY MS. LAUGHLIN:

18 Q. Good morning, Mr. Nicholson.  
19 My name is Laura Laughlin. I represent  
20 Jane Doe in this lawsuit who, I'm sure,  
21 you know as [REDACTED] [REDACTED] You're  
22 here to give a deposition today.

23 Do you understand that?

24                    A.        I do.

1           Q.     And I understand that you've  
2     been having some health issues, and I'm  
3     sorry to hear that.

4                     I don't want to go into  
5     detail in those health issues, but do the  
6     issues that you're going through,  
7     health-wise, does that impact your  
8     ability to recall information or testify  
9     truthfully today?

10           A.     It does not.

11           Q.     Are you on any kind of  
12     medications today that would impact your  
13     ability to recall information or testify  
14     truthfully?

15           A.     I am not.

16           Q.     Have you ever given a  
17     deposition before?

18           A.     I have not.

19           Q.     So I'm going to go over a  
20     few ground rules that'll, hopefully, make  
21     things go a little bit easier today.

22                     As you see, we're all on a  
23     screen, or at least the court reporter  
24     and I are, and, you know, I know that

1 your counsel is in the room with you.

2 If for any reason today, you  
3 know, the audio breaks up or something  
4 like that, you didn't hear my question,  
5 just let me know and I'll try to rephrase  
6 it. You never know what's going to  
7 happen with technology.

8 A. Understood.

9 Q. Because we have a court  
10 reporter in this virtual room, she's  
11 taking down everything that's said, and  
12 so all of your answers have to be verbal,  
13 like a "yes" or "no," you can't say  
14 "uh-uh" or nod your head, okay?

15 A. Yes.

16 Q. If for any reason you don't  
17 understand the question that I asked --  
18 it came out jumbled or something, you're  
19 not sure what I'm asking -- just let me  
20 know and I'll try to rephrase it so you  
21 do understand. Okay?

22 A. Okay.

23 Q. If you answer the question,  
24 since I gave you that instruction, we're

1 all going to assume you understood what I  
2 was asking, okay?

3 A. Okay.

4 Q. We're going to be talking  
5 about some things that happened several  
6 years ago. If you don't remember  
7 something, it's okay to say you don't  
8 remember, if that's the truth, okay?

9 A. Yes.

10 Q. I don't want you to guess at  
11 anything today. Understood?

12 A. Yes.

13 Q. You can estimate things,  
14 though. If you don't know the exact date  
15 something happened or a time period or  
16 something, if you can estimate, just let  
17 us know that that's what you're doing, is  
18 giving an estimation, okay?

19 A. Yes.

20 Q. If you need to take a break  
21 for any reason today, just let us know  
22 and you can do so. If there's a question  
23 pending, I'd ask that you answer the  
24 question before you take your break,

1     okay?

2             A.     Yes.

3             Q.     I understand, from your  
4     counsel, Ms. Jordan, who's not here  
5     today -- I understand Ms. Lloyd is  
6     filling in for her -- that due to your  
7     health issues going on, you need to be  
8     done the deposition today at 2 o'clock  
9     p.m.; is that right?

10            A.     Yes.

11            Q.     And so there's been an  
12    agreement, ahead of time today, that if  
13    we're not finished today by 2 o'clock,  
14    that you would come back on Monday to  
15    complete the deposition.

16                    Do you understand that?

17            A.     I do.

18            Q.     Are you still the --

19                    I understand, during the  
20    timeframe in this case, in 2018, you were  
21    the principal of North Penn High School.

22                    Is that right?

23            A.     That is correct.

24            Q.     And do you still hold that

1 same position today?

2 A. I do.

3 Q. When did you become the  
4 principal of North Penn High School?

5 A. In July of 2018.

6 Q. And the assault we're here  
7 to talk about today, that happened in the  
8 fall of 2018, would you agree with that?

9 A. That's when it was brought  
10 to my attention, yes.

11 Q. Okay. So you started  
12 just -- that school year was your first  
13 year at North Penn High School as the  
14 principal, right?

15 A. That's correct.

16 Q. What did you do before you  
17 became principal of North Penn High  
18 School in July 2018?

19 A. For five years, I was one of  
20 the assistant principals here at North  
21 Penn High School.

22 Q. When you say "one of the  
23 assistant principals," how was that  
24 broken down?



1           A.     My last couple of years as  
2     an assistant principal, there were six  
3     assistant principals; prior to that,  
4     there had been five for a couple of years  
5     as well. So it depends on the year,  
6     exactly, how it was broken down.

7           Q.     Okay. How did it vary, year  
8     to year?

9           A.     My first three years, there  
10    were five assistant principals. We each  
11    had a certain portion of the alphabet.  
12    Specifically, I had the last names A  
13    through C, or the early Ds, in all three  
14    grades.

15                   And, then, the final two  
16    years as assistant principal, we were in  
17    charge of certain graduating classes, the  
18    first year which would have been the --  
19    '16-'17 school year, I had the class of  
20    2017, the first half of the alphabet; and  
21    the following year, I had the class of  
22    2020, the first half of the alphabet,  
23    along with another assistant principal.

24           Q.     Okay. And --

1           A.       I apologize. We're going to  
2 have bells because we're in a school and  
3 we're gonna probably have announcements  
4 at times, so...

5           Q.       Okay.

6           A.       That was the bell. We may  
7 have announcements, just so you're aware  
8 of what's going on if you hear outside  
9 noise.

10          Q.       Okay. Thanks for letting me  
11 know. I mean, I work in the city, so  
12 there's always some kind of something  
13 going on in the background. I appreciate  
14 you explaining that.

15                   How did it come to be that  
16 you went from assistant principal to the  
17 principal of North Penn High School in  
18 July 2018.

19          A.       Our principal up until that  
20 point, Dr. Todd Bauer, was named  
21 assistant superintendent of North Penn  
22 School District. The hiring process was  
23 put out to name and to find the next  
24 principal of North Penn High School. I

1 applied, I interviewed, and was awarded  
2 the job.

3 Q. Did you undergo any  
4 additional training to go from being an  
5 assistant principal into the principal  
6 role at North Penn High School?

7 A. Not specifically, no.

8 Q. You said "not specifically."  
9 Is there a training that  
10 you're thinking of that was not specific  
11 that you underwent?

12 A. No, what I'll say is that  
13 the administrators in the district all,  
14 pretty much, typically, have the same  
15 training schedule and are trained in the  
16 same way, so there was nothing specific  
17 to the job responsibility that I wasn't  
18 already trained in prior to becoming  
19 principal.

20 Q. Okay. Is there only one  
21 principal for the entire North Penn High  
22 School?

23 A. Yes.

24 Q. Can you give me a summary of

1    how your role changed?

2                   I mean, other than,  
3    obviously, a title and, I'm sure, more  
4    responsibility for principal, how did  
5    your role change from going from an  
6    assistant principal to the principal?

7           A.     I would say that it becomes  
8    more of an oversight of the assistant  
9    principals rather than the assistant  
10   principal -- monitoring what the  
11   assistant principals are doing; working  
12   with the fiscal budget is a big change  
13   that assistant principals typically don't  
14   work with; working with athletics;  
15   working with other aspects that,  
16   typically, assistant principals are not  
17   part of is really the big change that, I  
18   would say, is the difference between  
19   assistant principal and principal.

20           Q.     I understand, from seeing  
21   the documents that were provided by the  
22   district in this case, that Kyle Hassler  
23   was documented to be the assistant  
24   principal during the 2018 school year, as

1 it involved the incident we're here to  
2 talk about today.

3 Do you know what Kyle  
4 Hassler's role was, at the time, with the  
5 assistant principal, meaning did he have  
6 certain letters or certain grades at this  
7 time?

8 A. He did, yes. He would have  
9 had that year -- I believe he would have  
10 had the sophomore class, the incoming  
11 sophomores, and he would have been  
12 working, I believe, with the first half  
13 of the alphabet, whether that was cut off  
14 with the letter K or letter L, I don't  
15 recall exactly, but he would have had the  
16 first half of the alphabet.

17 Q. Okay. When you said he had  
18 that year, do you mean the freshmen as  
19 well?

20 A. No. The sophomore class,  
21 the 10th graders. We do not have  
22 freshmen -- we don't have many freshmen,  
23 and those that do attend here are only  
24 here a couple periods per day.

1           Q.     Right. Thank you for that.  
2     I forgot. When I went to high school, it  
3     was 9 through 12 was high school.

4                     I understand North Penn  
5     School District, the high school starts  
6     at 10th grade.

7                     Correct?

8           A.     Correct. 9th grade is on  
9     the high school transcript, but it's  
10    contained in the middle schools.

11          Q.     I understand.

12                    Prior to taking on the role  
13    of principal at North Penn High School,  
14    had you ever been trained on Title IX?

15          A.     Yes.

16          Q.     Can you describe for me that  
17    training, when, where, that kind of  
18    stuff?

19          A.     I don't recollect specific  
20    times. I do know that our school  
21    solicitor regularly gave training  
22    opportunities and updates to our  
23    administrative team, as I said before,  
24    during district administrative trainings,

1     whether it be during the school year or  
2     during the summer.

3             Q.     When you say "the district  
4     solicitor," you're talking about Kyle  
5     Somers that's in the room with us today?

6             A.     Yes.

7             Q.     To your understanding, back  
8     in 2018, what was Title IX?

9             A.     Title IX protects students  
10    and staff in a public school setting --  
11    specifically, I'll talk about a public  
12    school setting -- from any discrimination  
13    from race or gender, any protected class.

14            Q.     Do you know whether Title IX  
15    also covers sexual harassment?

16            A.     Yes.

17            Q.     Yes, it does cover it?

18            A.     Yes. Correct.

19            Q.     And in what way?

20                    How does sexual harassment  
21    have to do with Title IX, to your  
22    understanding, back in 2018?

23            A.     To my understanding, in  
24    2018, sexual harassment would have been

1 part of the discrimination due to gender  
2 or due to sexual orientation, what have  
3 you.

4 Q. As a principal of North Penn  
5 High School back in 2018, what  
6 involvement, if any, did you have  
7 regarding Title IX?

8 A. At that point, complaints  
9 that would have been Title IX, if I  
10 recall correctly, would have gone through  
11 Title IX compliance officer. And we  
12 would have been directed and worked with  
13 any kind of investigation through that  
14 process.

15 Q. When you say would have gone  
16 through the Title IX compliance officer,  
17 who was that?

18 A. That would have been our  
19 director of HR, to my recollection. At  
20 that point, Dr. Cheryl McCue.

21 Q. Prior to 2018, I guess you  
22 were the assistant principal at that  
23 time, but had you ever had any experience  
24 with a Title IX complaint and the



1 involvement of Dr. Cheryl McCue?

2 A. Not to my recollection, no.

3 Q. Prior to you becoming an  
4 assistant principal at North Penn High  
5 School, what did you do before that?

6 A. Prior to becoming an  
7 assistant principal at North Penn High  
8 School, I was an assistant principal in  
9 Allentown School District at Francis D.  
10 Raub Middle School for five years; and  
11 then prior to that, I was a health and  
12 phys ed teacher at Harrison-Morton Middle  
13 School in Allentown School District for  
14 seven years.

15 Q. And do you have, like, a  
16 resume that you keep?

17 A. I do.

18 Q. I would ask to --

19 MS. LAUGHLIN: If you could  
20 provide a copy of that to your  
21 counsel. Your current resume.

22 THE WITNESS: Sure. I will  
23 do so.

24 MS. LAUGHLIN: Thank you.

1 BY MS. LAUGHLIN:

2 Q. During your time at North  
3 Penn High School, do you recall there  
4 being any training on Title IX for  
5 students?

6 A. Not that I can recall.

7 Q. What about for parents? Do  
8 you recall there being any training for  
9 parents on Title IX, and rights under  
10 Title IX, during your time at North Penn  
11 High School?

12 A. Not that I can recall.

13 Q. Have you ever heard, at any  
14 point, of North Penn, in the past or  
15 since, doing any kind of training on  
16 Title IX for students or parents?

17 A. Not that I can recall.

18 Q. To your knowledge, is there  
19 a way that students or parents are  
20 informed about Title IX rights at North  
21 Penn High School?

22 A. I believe, but I'm not  
23 certain. It could be included in our  
24 student-parent handbook, but I'm not

1 100 percent positive on that.

2 Q. Okay. Have you ever been  
3 part of any discussions, within the  
4 district, about informing parents or  
5 students about their rights under Title  
6 IX since your time in the district?

7 A. Not that I can specifically  
8 recall.

9 Q. I believe you told me,  
10 earlier, that when there is a -- I think  
11 you were saying -- Title IX complaint  
12 made, it would be taken to the Title IX  
13 compliance officer who, at the time, in  
14 2018, was Cheryl McCue, and then a plan  
15 would be formulated on how to deal with  
16 that; is that accurate?

17 A. Yes, that's correct.

18 Q. So I want to get into more  
19 specifics about that process and how it  
20 works.

21 When you say when a report  
22 is made or a Title IX complaint is made,  
23 what do you mean by that?

24 How does that, typically,

1     happen, in your experience?

2             A.     In my experience, if a  
3     complaint is made that is of concern that  
4     it would be a violation of Title IX, that  
5     would be something that we would run past  
6     the compliance officer to verify if it is  
7     or is not a potential Title IX violation,  
8     and be directed from there.

9             Q.     Okay. And when you say run  
10    it past the compliance officer, how would  
11    you do that? By email, would you call  
12    the person?

13            A.     It could, I guess, be  
14    either, but I would assume it would  
15    involve -- or in past practice, it has  
16    involved sharing documentation with the  
17    compliance officer.

18            Q.     When you say "sharing" --  
19    I'm sorry. Go ahead. I didn't mean to  
20    cut you off.

21            A.     It could start with a phone  
22    call, but at some point, we would share  
23    that information electronically or in  
24    hardcopy form.

1           Q.     When you say "share that  
2     information," are you talking about,  
3     like, the initial report by the student  
4     or whoever reported it?

5           A.     Yes.

6           Q.     When you say you would  
7     submit it, sometimes you would do a phone  
8     call, sometimes it would be submitted  
9     electronically, would that be through  
10    email?

11          A.     If it was electronically,  
12    yes.

13          Q.     Prior to 2018, since you, I  
14    think, told me you had not been involved  
15    in any Title IX issues or reports or  
16    anything, is it safe to say that you had  
17    not gone through this process prior to  
18    that; is that correct?

19          A.     Correct.

20          Q.     How did you know, when you  
21    were the principal in the 2018-2019  
22    school year, that that was the process,  
23    about reporting to the compliance  
24    officer?

1           A.     It would have been part of  
2 the training we underwent as an  
3 administrative team.

4           Q.     And do you have an estimate  
5 of when that training took place?

6           A.     No. As I said, I don't  
7 recall specifics of those times or  
8 trainings.

9           Q.     Did you get any  
10 documentation with that training?

11          A.     Not that I can recall.

12          Q.     Was there any kind of, like,  
13 PowerPoint or anything that was shown at  
14 this training?

15          A.     Typically, there are.  
16 Again, I don't remember specifics.

17          Q.     Do you keep any  
18 documentation of any of the training that  
19 you undergo through the district?

20          A.     I'll say it depends on the  
21 training. Typically, I take personal  
22 notes, but not always.

23          Q.     Have you looked in your  
24 files to see whether you have any notes

1 on prior past Title IX trainings that you  
2 were saying you recall undergoing?

3 A. I have not.

4 Q. I would also ask --

5 Where do you keep those  
6 notes? Is it in a notebook or in, like,  
7 a Word document or something on a  
8 computer?

9 A. I keep some personal notes  
10 in handwritten form. Also some,  
11 potentially, electronically in either a  
12 Google Doc or my own personal notes.

13 MS. LAUGHLIN: I would also  
14 ask, following the deposition  
15 today, that you do a  
16 search through whether it's  
17 handwritten notebooks that you  
18 keep or Google Docs, or whatever,  
19 on a computer -- to see if there  
20 are any trainings that you've  
21 undergone through the district  
22 that you've taken your own  
23 personal notes and kept, okay?

24 THE WITNESS: Sure.

1 BY MS. LAUGHLIN:

2 Q. Once you submit the report  
3 to the compliance officer, the Title IX  
4 compliance officer, who, at the relevant  
5 time, was Dr. Cheryl McCue, what happens  
6 next?

7 A. I guess it would depend on  
8 the specifics of the situation, and we  
9 would follow the direction of the  
10 compliance officer.

11 Q. And just to make sure we're  
12 on the same page or I'm understanding  
13 your testimony correctly: When you say  
14 that you are reporting it up to the Title  
15 IX compliance officer to, you know, make  
16 sure that this report does fall under  
17 Title IX, to your understanding, would a  
18 report of one student inappropriately  
19 touching another student, sexually, would  
20 that fall under Title IX?

21 A. If there was a report made  
22 of that nature, yes.

23 Q. Do you know, does it matter,  
24 for Title IX purposes, whether the



1 assault took place on school grounds or  
2 off school grounds?

3 A. I'm sorry. Can you repeat  
4 the question?

5 Q. Sure. I'm asking for your  
6 understanding, back in 2018, with Title  
7 IX.

8 Does Title IX still apply to  
9 assaults between students, both on school  
10 grounds and off school grounds?

11 A. It could, if it would impact  
12 the education of the student in question.

13 Q. Okay. And so to follow up  
14 on that, would the district still have  
15 an, I guess, obligation under Title IX to  
16 investigate an assault that took place  
17 off school grounds as well?

18 A. If it was reported to us and  
19 it was impacting the education, I believe  
20 so, yes.

21 Q. When you say "it was  
22 impacting the education," what do you  
23 mean?

24 A. What I mean is the alleged

1 assault or alleged Title IX violation was  
2 impacting the ability of one of the  
3 students to receive their education at  
4 the high school or any school within the  
5 district, that would be a Title IX  
6 complaint that we would forward to the  
7 compliance officer.

8 Q. And if you have a report  
9 that somebody was assaulted off school  
10 grounds and that was the information that  
11 you had, would you have to do an  
12 investigation to determine whether the  
13 assault was impacting either student's  
14 education at school?

15 A. I would assume. I would  
16 assume if there was a report made to the  
17 school that there was some impact on the  
18 student's education.

19 Q. I guess what I'm -- let me  
20 clarify my question, then.

21 Would the report have to  
22 include that the assault off grounds was  
23 impacting that student's education for  
24 the district to investigate or the high

1 school to investigate that assault that  
2 occurred off school grounds, then?

3 A. Well, I don't believe we  
4 would be investigating the assault that  
5 happened off school grounds. We would be  
6 working to ensure that the student was  
7 able to access their education.

8 Q. And so if a report was made  
9 in that instance, when somebody was  
10 assaulted off of school grounds by  
11 another student, what would the district  
12 be doing to determine that?

13 A. Again, following the  
14 direction of the compliance officer, I  
15 believe we would be meeting with students  
16 to see if there are any measures that  
17 need to be put in place to allow students  
18 to gainfully access their education.

19 Q. And if the student --  
20 I mean, I guess, how would  
21 that be done? How is that determined?

22 A. I'm sorry. How is what  
23 determined?

24 Q. I mean, I guess, is it just,

1     you know, you asking the student, Is  
2     there anything that you need, is your  
3     education impacted, and hearing what the  
4     student says?

5             A.     To some extent, yes. I  
6     believe meetings would have to be held  
7     and we would have to investigate what  
8     kind of impact that outside situation has  
9     made on the student's educational  
10    attainment or access.

11            Q.     And, then, would it be up to  
12    the high school to determine whether or  
13    not to take steps further, depending upon  
14    what they concluded from what the  
15    students were telling them?

16            A.     It would be up to the high  
17    school as well as the Title IX officer.

18            Q.     Okay. In this case, in  
19    2018, when there was a report made that  
20    [REDACTED] [REDACTED] was sexually assaulted  
21    in the classroom at North Penn High  
22    School, did you report that to Cheryl  
23    McCue, the Title IX compliance officer?

24            A.     The specifics of this, that

1 I recall, is that the report was made to  
2 North Montco. It was reported to me via  
3 the Towamencin Police Department, and we  
4 were told not to do any kind of  
5 investigation; however, I did share the  
6 fact that the investigation was happening  
7 with members of the administrative team  
8 here at North Penn by including  
9 Dr. McCue.

10 Q. And you included Dr. McCue?

11 A. I knew she was involved in  
12 it, yes.

13 Q. When you say you know she  
14 was involved in it, what do you mean?

15 A. I know that she -- I know  
16 that she was made aware of the pending  
17 police investigation and the report that  
18 was made at the tech school.

19 Q. How do you know that she was  
20 made aware of those things?

21 A. Through conversations with  
22 other members of the district  
23 administrative team that I'd had, after  
24 being notified by Towamencin police.

1           Q.     And did they tell you, was  
2     there an email that you saw that you were  
3     on? Can you explain to me how you knew  
4     that Dr. McCue was aware, at that time,  
5     that there was an allegation that [REDACTED]  
6     had been sexually assaulted at school?

7           A.     It would have been a verbal  
8     conversation, I believe, with Dr. Bauer,  
9     our assistant superintendent.

10          Q.     And so you had a  
11     conversation with -- was it just you and  
12     Dr. Bauer having this conversation?

13          A.     Yes. To my recollection.

14          Q.     And was this an in-person  
15     conversation, over the telephone? How  
16     did you talk to him?

17          A.     The best of my recollection,  
18     it was over the telephone.

19          Q.     Were you the one that was  
20     directly notified by Towamencin police?

21          A.     Yes.

22          Q.     And you said that they had  
23     told you not to investigate; is that  
24     right?

1           A.       Yes, that's correct.

2           Q.       Who was the one who told you  
3 that?

4           A.       Going back three years, I  
5 believe it was Detective Jusko and  
6 Detective Pierre-Louis that were here at  
7 North Penn High School to notify me of  
8 what was reported.

9           Q.       So these two detectives  
10 actually came to the high school and told  
11 you this information in person?

12          A.       That's correct.

13          Q.       I want to ask you about that  
14 meeting and then we'll get back to the  
15 Dr. Bauer phone call.

16                   Do you remember when  
17 Detective Jusko and Pierre-Louis showed  
18 up to North Penn High School?

19          A.       I know it was in October of  
20 2018 in the first 10 to 12 days. I was  
21 off campus and my secretary had called  
22 me. I was at a training off campus. I  
23 was called and told that they were here  
24 and they need to talk with me about a

1 situation, that I should come back to the  
2 high school, which I did.

3 I don't remember the  
4 specific date, but I know it was in the  
5 early portions of October.

6 Q. Okay. And you said you were  
7 at a training somewhere? Is that right?

8 A. Correct.

9 Q. Like, district education  
10 training, or what kind of training were  
11 you at?

12 A. It was a training on a new  
13 student information system that we were  
14 starting to implement for the following  
15 year, for the 2019-2020 school year.

16 Q. Okay. And so, I assume,  
17 once you got called that two detectives  
18 were at your high school to talk to you,  
19 you probably came back immediately; is  
20 that right?

21 A. That's correct.

22 Q. And so when you got back to  
23 the high school -- and was this a normal  
24 school day?



1           A.     Yes.

2           Q.     Okay.  So you come back to  
3     the high school and -- tell me what you  
4     recall happening next.

5           A.     I came back to my office,  
6     the detectives were there.  They notified  
7     me that there was a report made at North  
8     Montco Technical School, that there was a  
9     potential assault that occurred at North  
10    Penn High School; and that they --  
11    believe they were seeking demographic  
12    information for the two students that  
13    were identified or involved; and that  
14    they were going to investigate; and that  
15    until they completed their investigation,  
16    we should not interfere as per the  
17    typical with something of that nature.

18          Q.     "As per the typical with  
19    something of that nature," is that what  
20    you said?

21          A.     Correct.

22          Q.     What do you mean?  As per  
23    the typical with something in that  
24    investigation?

1           A.       I mean, in certain  
2 situations, the police will tell us not  
3 to interfere with an active  
4 investigation. They don't want us doing  
5 concurrent investigations that could  
6 impede on their own investigation.

7           Q.       Based on the Title IX  
8 training that you said you received up to  
9 that point, was that consistent with the  
10 training that you had received?

11          A.       The training, that I recall,  
12 was that it would be reported and then we  
13 would follow the direction. I don't know  
14 that that's inconsistent, that we were  
15 following direction.

16          Q.       Meaning following direction  
17 from the police?

18          A.       Correct.

19          Q.       Had you ever been trained  
20 prior to that in Title IX, that a Title  
21 IX investigation can run concurrently  
22 with a police investigation?

23          A.       Not that I recall.

24                   MS. LAUGHLIN: Can you read

1 back the last question?

2 - - -

3 (At this time, a discussion  
4 was held off the record.)

5 - - -

6 BY MS. LAUGHLIN:

7 Q. You mentioned these two  
8 detectives also said they had come to get  
9 demographic info about information about  
10 the two students that were involved in  
11 the report; is that right?

12 A. Correct.

13 Q. When you say demographic  
14 info about the two students, what do you  
15 mean?

16 A. Student information system  
17 information, which would include their  
18 name, their date of birth, their address,  
19 phone numbers for family contacts, et  
20 cetera.

21 Q. At this point, when the  
22 detectives are there, do you know whether  
23 the families were contacted?

24 A. I do not know if they had

1     been contacted at that point.

2             Q.     And just to make sure that  
3     we're clear: The two students that were  
4     involved in this report were [REDACTED]  
5     [REDACTED] and [REDACTED] [REDACTED] is that  
6     right?

7             A.     Yes. That's correct.

8             Q.     Prior to this report, had  
9     you ever had any interactions with [REDACTED]  
10    [REDACTED]

11            A.     I had not.

12            Q.     Had you been aware of her,  
13    the fact that she's a student in your  
14    high school or anything about her prior  
15    to this?

16            A.     Yes.

17            Q.     And how was that? How were  
18    you aware of her prior to this?

19            A.     I was aware of a meeting  
20    that occurred in August, an IEP meeting,  
21    or a meeting between she and some of our  
22    folks here at the high school regarding  
23    her educational needs as she entered 10th  
24    grade from -- I believe she was at tech

1 school full time in 9th grade and was  
2 coming to the high school for her 10th  
3 grade year.

4 Q. Included in that meeting,  
5 did you have an awareness of [REDACTED]  
6 prior instances with [REDACTED] [REDACTED]

7 A. I was made aware, after the  
8 meeting, that there was a concern with  
9 the two of them being in the same class  
10 together, stemming from something that  
11 had happened prior.

12 Q. When you say "something that  
13 had happened prior," what was your  
14 understanding of when it happened prior?

15 A. My understanding was that  
16 there was an alleged sexual encounter or  
17 assault, something that happened prior  
18 to, and I don't recall being told when it  
19 was or where it was, but that it had  
20 occurred prior to the 2018 school year.

21 Q. Okay. And so you were aware  
22 of this after the meeting that was held  
23 in August, prior to the start of the  
24 school year, with high school

1 administration?

2 A. Correct.

3 Q. Do you recall who it was  
4 that told you about that meeting and the  
5 information you just conveyed to me?

6 A. Kate Small, who is our  
7 current special education supervisor,  
8 notified me, after the meeting, of some  
9 of the information that was shared at the  
10 meeting.

11 Q. How did she notify you? Was  
12 that by email or some other way?

13 A. I believe she had left me a  
14 voicemail to call her and then we had  
15 spoken via phone.

16 Q. After that phone call, was  
17 there any type of email or any other  
18 documentation, in writing, that was  
19 created based on your conversation?

20 A. Not that I recall, no.

21 Q. After that conversation you  
22 had with Kate Small, did you communicate  
23 with anybody else about the information  
24 you had learned from her?

1           A.       After I spoke with Kate,  
2 because Kate had also mentioned to me  
3 that Mrs. [REDACTED] was upset about,  
4 again, this somewhat -- or not  
5 somewhat -- this undisclosed situation  
6 that had occurred previously, that she  
7 was upset with our superintendent,  
8 Dr. Dietrich.

9                   I did have a quick  
10 conversation with him because I was  
11 headed to our educational services center  
12 that afternoon for interviews. I did see  
13 him in person and just mentioned that a  
14 meeting was held to see if there was any  
15 information that he knew of.

16           Q.       Okay. And when you say -- I  
17 think you used the term "undisclosed  
18 situation."

19                   At this point, though, you  
20 had known that there was an apparent  
21 assault that had happened between --  
22 like, [REDACTED] assaulting [REDACTED] at that  
23 point, right?

24           A.       I knew that there was an

1 alleged assault of some nature. I didn't  
2 know any kind of specifics or necessarily  
3 when it happened, where it happened, any  
4 of those things.

5 Q. And, then, you said that you  
6 had had a conversation with Dr. Dietrich  
7 shortly thereafter because Mrs.

8 [REDACTED] had mentioned that Dr.  
9 Dietrich was aware of, I guess, the  
10 circumstances of what had happened in the  
11 past; is that right?

12 A. Correct.

13 Q. And so this conversation  
14 with Dr. Dietrich, that was in person  
15 because you had seen him shortly after  
16 anyway?

17 A. Correct.

18 Q. And tell me what you  
19 remember about the conversation with  
20 Dr. Dietrich.

21 A. I recall speaking with  
22 Dr. Dietrich, saying that a meeting was  
23 held with the [REDACTED] family, that  
24 the -- you know, as reported to me, he



1 may have known some -- the facts of the  
2 case. He said that he recalled some of  
3 the facts, that he recalled there was a  
4 situation. He did not go into great  
5 detail, just based on the setting that we  
6 were in, of anything that occurred or  
7 anything he recalled from that previous  
8 encounter between [REDACTED] and [REDACTED]

9 Q. When you say he didn't go  
10 into details given the setting he was in,  
11 did he give you any details, like what,  
12 if anything, did he say, about what had  
13 occurred and what he knew?

14 A. I believe he said it  
15 occurred in elementary school, that there  
16 was a situation, that he recalls, between  
17 [REDACTED] and [REDACTED] that occurred in  
18 elementary school. And, again, I don't  
19 recall him going into any further detail  
20 than that. Again, there were other folks  
21 around, and I don't know that it was an  
22 appropriate time to share, based on what  
23 I know now.

24 Q. When you say what you know

1 now, meaning what?

2 A. That it was an alleged  
3 sexual assault that occurred.

4 And, again, there were other  
5 folks in the room that were probably not  
6 those that you would share something like  
7 that in front of.

8 Q. When you say what you know  
9 now, when did you learn that it was  
10 sexual assault, is what they were talking  
11 about from 6th grade, or elementary  
12 school?

13 A. I don't recall the timeline  
14 exactly or where I learned it. I just  
15 recall, at some point, that I was made  
16 aware that it was an alleged sexual  
17 assault. I, honestly, couldn't tell you  
18 when or along the timeline who even made  
19 me aware of that.

20 Q. Okay. I know you're saying  
21 "alleged sexual assault."

22 Are you aware of the  
23 investigation that happened in elementary  
24 school within the district?

1           A.       I'm not, no.

2           Q.       Okay. I guess let me ask a  
3 more specific question.

4                   Are you aware that Principal  
5 Bowen had interviewed, you know, [REDACTED]  
6 and other students and had found that  
7 these assaults did occur, in his opinion?  
8 Are you aware of that?

9           A.       I'm not, no.

10          Q.       When you had this  
11 conversation with Dr. Dietrich and you  
12 said there were other people around, so  
13 he couldn't go into that much detail  
14 because of the environment you were in,  
15 did you have an understanding that the  
16 situation involved something of a sexual  
17 nature between these two students?

18          A.       I don't recall, at that  
19 point, if I knew it was of a sexual  
20 nature or not. As I said, the  
21 conversation with Kate Small, prior to my  
22 going to the educational services center,  
23 was somewhat brief, and I followed up  
24 with her later that day, gained more

1 information, potentially, then. But I  
2 didn't have much information to go on  
3 other than there had been a meeting and  
4 there was some sort of -- for lack of a  
5 better term -- encounter between [REDACTED]  
6 and [REDACTED] that they couldn't be  
7 together in class.

8 Q. I know you said that that  
9 day, education services center, there was  
10 people around so you really couldn't get  
11 into detail with Dr. Dietrich other than  
12 what you described.

13 Was there another time that  
14 you had followed up with Dr. Dietrich to  
15 find out the rest of the information that  
16 he had had that couldn't be shared in  
17 that particular forum where you were?

18 A. Not that I can specifically  
19 recall, no.

20 Q. Do you recall whether  
21 Dr. Dietrich tried to reach back out to  
22 you, to follow up on the rest of the  
23 conversation that you started having at  
24 the education services center?

1 A. Not that I recall.

2 Q. You said that later on --

3 Let me ask this: Was there  
4 any time, prior to the assault being  
5 reported by [REDACTED] in October 2018, where  
6 you had another conversation with  
7 Dr. Dietrich about what had happened  
8 between [REDACTED] and [REDACTED] prior?

9 A. To the best of my  
10 recollection, no.

11 Q. Did you talk at all with  
12 Todd Bauer, prior to the assaults being  
13 reported, about the past assault by  
14 [REDACTED] on [REDACTED]

15 A. Again, not that I can  
16 recall.

17 Q. Okay. Is there anybody  
18 else -- we're going to talk about Kate  
19 Small in a second.

20 Is there anybody else that  
21 you recall speaking with, prior to the  
22 assaults being reported by [REDACTED] in 10th  
23 grade, about the prior assaults by [REDACTED]  
24 on [REDACTED]

1           A.     I'm sorry. Can you repeat  
2 the question?

3           Q.     Sure.

4                   We talked about  
5 Dr. Dietrich. I asked you about Dr. Todd  
6 Bauer. I know we're going to talk about  
7 Kate Small.

8                   But I was asking: Is there  
9 anybody else you can recall speaking to  
10 about the past assaults by [REDACTED] on  
11 [REDACTED] prior to [REDACTED] report in 10th  
12 grade that she had been assaulted again  
13 by [REDACTED]

14          A.     No.

15          Q.     You said later that day,  
16 meaning, you know, after you had been at  
17 the education services building with  
18 Dr. Dietrich, you had spoken with -- you  
19 followed up with Kate Small again to find  
20 out more details; is that right?

21          A.     That's correct.

22          Q.     And was this an in-person  
23 conversation with Kate Small?

24          A.     It was.

1           Q.     Tell me what you remember  
2     about that conversation with her.

3           A.     We talked about the meeting.  
4     We talked about the fact that there had  
5     been a -- again, I'm using the word  
6     "alleged assault," because I don't have  
7     information, necessarily, regarding what  
8     had happened. I believe you said in 6th  
9     grade. I just know that it was  
10    elementary school. That there was  
11    conversation at the meeting that [REDACTED]  
12    and [REDACTED] should not be together in  
13    class.

14                   Kate told me that she had  
15    double checked their schedules to make  
16    sure they weren't in classes together,  
17    that they were not in classes together,  
18    and that Mrs. [REDACTED] was content  
19    with them not being in classes together,  
20    was okay with them, potentially, passing  
21    in the halls.

22                   And through the conversation  
23    at the meeting, that as long as they were  
24    not in classes together, thought

1 everything would be fine; that [REDACTED] was  
2 given some folks to check in with; and  
3 that folks would be checking in with  
4 [REDACTED] in her transition, in general, as  
5 she came to the high school.

6 Q. When Kate Small had told you  
7 that she double checked that, [REDACTED] and  
8 [REDACTED] schedules, do you have an  
9 understanding of what timeframe this was?

10 Was this still prior to the  
11 start of the school year or when was  
12 this?

13 A. This was -- again, in  
14 August. It would have been prior to the  
15 start of the school year. I don't recall  
16 it -- you know, you said not to guess.  
17 But it was sometime in the early '20s of  
18 the dates in August. So it was prior to  
19 the start of the school year.

20 Q. Okay. Yeah, if you have no  
21 idea, no ability to even estimate, I  
22 don't want you to just give me a guess.  
23 But if you can estimate, like you did,  
24 that's fine to do, and I appreciate you



1 doing so and clarifying it's an  
2 estimation.

3 When she had told you that  
4 she had double checked the schedules, do  
5 you know where the plan came from that  
6 she was going to check the schedules?

7 A. I would be assuming, but  
8 based on the fact that the meeting had  
9 happened earlier that day, it would be in  
10 that meeting that she would have  
11 double-checked, or soon thereafter that  
12 meeting.

13 Q. Did you discuss  
14 anything with -- or is there anybody  
15 else?

16 Like, for instance, Megan  
17 Schoppe, I understand, was also in that  
18 meeting.

19 Did you ever talk to  
20 Ms. Schoppe about what happened at the  
21 meeting or the plan to keep [REDACTED] away  
22 from [REDACTED]

23 A. I did speak with her about  
24 the meeting.

1 Q. And was that --

2 A. I'm sorry.

3 Q. Okay. That was going to be  
4 my next question.

5 Was this also prior to the  
6 start of the school year?

7 A. I believe so, yes.

8 Q. Okay. And this was after  
9 the conversations that you had with Kate  
10 Smalls where she told you she checked the  
11 schedules?

12 A. Correct.

13 Q. What do you remember about  
14 the conversations you had with Ms.  
15 Schoppe?

16 A. I remember the conversation  
17 was, roughly, the same as the  
18 conversation it was with Kate. That  
19 Megan had shared with me some of the  
20 courses that [REDACTED] would be taking and  
21 the fact that Megan would be checking in  
22 with [REDACTED] She made herself available,  
23 as she does to pretty much every student.  
24 And at that time, especially

1 as department chair, as a check in and  
2 make sure things were going well; and  
3 that she would keep me posted if there  
4 was anything that I needed to know.

5 Q. Any other conversations that  
6 you had with Ms. Schoppe about this?

7 A. Not that I can recall, no.

8 Q. What about Juliette Matje?  
9 I believe that's how you pronounce her  
10 name.

11 Did I get that right or  
12 wrong?

13 A. I believe it's Matje.

14 Q. Okay. I was not even close.

15 But Juliette Matje, do you  
16 recall any conversations that you had  
17 with her?

18 A. I don't believe I had any  
19 conversations with her.

20 Q. When Kate Small told you  
21 that she double checked the schedules and  
22 that the students weren't together, had  
23 you ever had a prior instance, in your  
24 employment with the district, where you

1 had to make sure that two students were  
2 separated and not in classes together?

3 A. I believe so, but I can't  
4 point to the specific situation.

5 Q. Do you recall whether it was  
6 in your time as principal or as assistant  
7 principal?

8 A. It would have been as my  
9 time as assistant principal.

10 Q. Do you recall what, if  
11 anything, was put into place to prevent  
12 those two students from being in the same  
13 class together?

14 A. At that time, typically, it  
15 would have been double-checking schedules  
16 to make sure that they were not in there  
17 together, and it would have been -- if it  
18 were known prior to the school year and  
19 an ongoing situation, it would have been  
20 something where it was part of what we  
21 call our "hand schedule," to make sure  
22 that the two students were not placed in  
23 the same course by the automatic  
24 scheduler in our student information

1 system.

2 Q. Did you say the "hands  
3 schedule"?

4 A. Correct.

5 Q. What is that?

6 A. So in the summer when we  
7 schedule students, there's an algorithm  
8 that runs in the student information  
9 system. The vast majority of our  
10 students get the courses that they need  
11 and the courses that they want, and then  
12 there are others that need to be hand  
13 scheduled. So the system just won't  
14 schedule it, for whatever reason.

15 And part of that process, at  
16 that time, would have been making sure  
17 that two students that couldn't be  
18 together were not scheduled together, and  
19 changing a schedule, if need be, prior to  
20 the start of the school year.

21 Q. So would that be somebody --  
22 when you're talking about, like, hand  
23 schedule, like, somebody is actually, I  
24 don't want to say "using their hands"

1     because it's probably on a computer.

2                     To actually, like, move  
3     classes around to make sure that students  
4     aren't in the same classes together; is  
5     that right?

6             A.     Correct.  Yes.  It would be  
7     manually looking at the two students'  
8     schedules, making sure that they're not  
9     in a class together; and if they are,  
10    moving one of the students out of that  
11    course, switching their schedules so  
12    they're no longer in a course together.

13            Q.     Okay.  So you're saying,  
14    like, you know that you had the  
15    capability to do that; that if they  
16    were -- for instance, when Kate Smalls  
17    had checked and there was a class that  
18    was the same with these two students, she  
19    could go in and hand change the schedule  
20    to make sure that they weren't.

21                     Is that what you're talking  
22    about?

23             A.     Correct.

24             Q.     Prior to the 2018 school

1 year, were there other ways that the  
2 North Penn High School could ensure or  
3 prevent two students from being in the  
4 same class together, other than doing  
5 that schedule check?

6 A. Not that I recall.

7 Q. Have you ever received any  
8 training on that through the school  
9 district or in any other fashion?

10 A. Not that I recall.

11 Q. In the other instance that  
12 you can recall, I think as assistant  
13 principal, where two students could not  
14 be in the same class together, did you  
15 have somebody check the schedules, like  
16 Kate Small did in this case, and then  
17 hand change if needed?

18 A. Yes.

19 Q. And in that case, did those  
20 two students -- were you successful in  
21 preventing them from being in the same  
22 class together?

23 A. Yes.

24 Q. In this case, when Kate

1 Small is checking the schedule, she did  
2 this prior to the start of the school  
3 year, right?

4 A. Correct.

5 Q. And as principal -- or  
6 assistant principal, when you were in  
7 that role for the five years prior to  
8 becoming principal, were you aware that  
9 there was an add/drop period for students  
10 once the school starts?

11 A. The 2018 school year was the  
12 first year we had an add/drop period.

13 Q. When did the add/drop period  
14 take place, if you can recall, in 2018?

15 A. I don't know the specific  
16 dates, but it would have been the week  
17 prior to the first day of school, at  
18 least a few days during the week prior to  
19 the start of school.

20 Q. And to your understanding,  
21 Kate Small had checked the schedules  
22 prior to this add/drop period; is that  
23 right?

24 A. I believe so, yes.



1           Q.     When you say this was the  
2 first year that they had done an add/drop  
3 period, is it at North Penn High School,  
4 the first year they had done that?

5           A.     Correct.

6           Q.     Was there any training to  
7 anybody at the high school that this was  
8 happening?

9           A.     When you say training to  
10 anyone, I'm not sure what you mean.

11          Q.     Yeah. Was any of the  
12 administration at the high school trained  
13 that, in 2018, there was going to be this  
14 add/drop period for classes that hadn't  
15 been done before at North Penn High  
16 School?

17          A.     I wouldn't say there was  
18 training, but there was notification,  
19 yes.

20          Q.     How did that notification  
21 happen?

22          A.     Either, verbally, in the  
23 administrative meeting or, potentially,  
24 via email or electronic means.

1           Q.     Who sent the email or the  
2     electronic means to everybody?

3           A.     It would have probably come  
4     from either myself or one of my assistant  
5     principals that's in charge of  
6     scheduling.

7           Q.     Do you recall actually  
8     seeing an email that went to  
9     administration -- and when I'm talking  
10    about "administration," I'm including  
11    Kate Small.

12                   Do you recall an actual  
13    email going out?

14          A.     I don't.

15          Q.     As we sit here today, have  
16    you checked your emails for any email on  
17    that topic, on the add/drop period being  
18    added?

19          A.     I have not.

20          Q.     Have you checked your  
21    email --

22                   I assume you have a North  
23    Penn School District email, right?

24          A.     Correct.

1           Q.     Have you checked your North  
2 Penn District email for any emails  
3 related to the claims in this case, like,  
4 between [REDACTED] and [REDACTED] or any of that?

5           A.     I have not.

6           Q.     Do you still have access to  
7 your emails from back then?

8           A.     I believe so, yes.

9                   MS. LAUGHLIN: I'd ask for  
10 you to also do a search, on your  
11 emails, to see if there's any  
12 emails involving, you know, this  
13 incident between [REDACTED] and  
14 [REDACTED] whether it's with other  
15 district administrators or the  
16 family of [REDACTED] and [REDACTED]  
17 regarding this, okay?

18                   THE WITNESS: Okay.

19 BY MS. LAUGHLIN:

20           Q.     Since this was the first  
21 year that they're having this add/drop  
22 period, which just to be clear: The  
23 add/drop period is an ability for  
24 students or administrators to add or drop

1 or switch classes in a schedule for a  
2 student?

3 A. It's the student's ability,  
4 in certain circumstances, to change  
5 courses.

6 Q. And how would that be --  
7 would the student get notified of their  
8 class schedule prior to starting school  
9 and then would contact the school if they  
10 needed to change something?

11 A. Correct. In 2018, they were  
12 notified of their schedule and then they,  
13 physically, came into North Penn High  
14 School to request a schedule change.

15 Q. And then that would be  
16 somebody, like, hand scheduling, to  
17 change things at the office?

18 A. Correct.

19 Q. Since there was this  
20 add/drop period and Kate Small had  
21 checked the schedules prior to that, what  
22 was put in place to ensure that [REDACTED]  
23 and [REDACTED] didn't get put in the same  
24 class following this add/drop period?

1           A.     To my recollection or to my  
2 understanding, there was nothing further  
3 that was put in place.

4           Q.     Do you know, since there  
5 was --

6                     You knew and Kate Small, and  
7 seems like everybody else -- from what  
8 you're telling me -- at the high school  
9 was aware that there was going to be this  
10 add/drop period.

11                    Why wasn't anything put in  
12 place to ensure that prior to the start  
13 of school, these two students weren't  
14 going to be in the same class together?

15           A.     Sorry. We're getting an  
16 announcement.

17                    Why was nothing put in  
18 place? I believe it was something  
19 because it was new that it was just not  
20 thought of.

21           Q.     Did you have any  
22 conversations, after the fact, with Kate  
23 Small or anybody else? I'm not asking  
24 about conversations you had with your

1 counsel.

2 But did you have any  
3 conversations about what could have been  
4 done differently to ensure that these two  
5 students weren't put in the same class?

6 A. There were conversations  
7 that were had after October, when what  
8 was alleged was brought to light, that  
9 there was a way to flag things in the  
10 system and there were further steps put  
11 into place to ensure something like this  
12 would not happen again.

13 And when I say "something  
14 like this," I mean, students that are not  
15 supposed to be in the same class together  
16 are not scheduled in the same class  
17 together.

18 Q. Okay. When you're talking  
19 about things that could have been put in  
20 place, are you talking about the pop-up  
21 box that could show up if a student's  
22 schedule was the same as somebody else  
23 and they shouldn't have been together, is  
24 that what you're talking about?

1 A. Correct.

2 Q. How did that come -- I  
3 guess, in the start of the 2018 school  
4 year, had you known that that was an  
5 option?

6 A. I had not.

7 Q. How did it come to be that  
8 you found out that that was an option?

9 A. After the situation between  
10 [REDACTED] and [REDACTED] were brought to light,  
11 there were conversations -- my  
12 understanding is there were conversations  
13 with technology about what options were  
14 available in our student information  
15 system based on the scenario of this  
16 case.

17 Q. Okay. Had the district  
18 provided any kind of training or  
19 instruction as to what was available for  
20 situations in keeping students apart,  
21 like, for instance, this pop-up that was  
22 available?

23 A. Not that I recall.

24 Q. Had you ever received any

1 training from the district on how to  
2 prevent two students from being in the  
3 same class together?

4 A. Not that I recall.

5 Q. So the checking of schedules  
6 prior to the start of school, where did  
7 that -- is that, like, a process that the  
8 school does or was that somebody's idea  
9 or where did that come from?

10 A. When you say checking of  
11 student schedules before school, I'm not  
12 sure what you mean.

13 Q. I mean like what Kate Small  
14 did, to look at the two schedules and  
15 check to see if there new classes.

16 A. The origination of that, I'm  
17 not sure. I couldn't tell you.

18 Q. Okay. You answered one of  
19 my questions, a few questions ago, that  
20 you had said, "What was alleged had come  
21 to light," or something along those  
22 lines, I think, was your wording.

23 What was your understanding  
24 of what the allegation was by [REDACTED]



1     against [REDACTED]

2             A.     My understanding that I had,  
3     originally from the police, is that there  
4     were some sort of sexual harassment,  
5     sexual assault that had occurred in their  
6     social studies class together.

7             Q.     Were you given information  
8     more specifically than that, like what  
9     the sexual assault entailed or whether it  
10    was more than once or any details like  
11    that?

12            A.     I was not.

13            Q.     At some later point, were  
14    you given more information as to what the  
15    report entailed?

16            A.     No, not that I can recall.

17            Q.     Sitting here today -- and  
18    I'm not asking for conversations you had  
19    with your counsel, so if that's what the  
20    only information you have, let me know  
21    that. I'm not trying to get into those  
22    conversations because they're protected  
23    with your lawyers.

24                    But do you, today, have any

1 understanding of more details as to the  
2 assault that [REDACTED] is saying took place  
3 from [REDACTED] in the social studies class?

4 A. I do not.

5 Q. Did you ever read the  
6 Complaint in this case, the lawsuit?

7 A. I don't believe I did, no.

8 Q. Once this lawsuit was filed,  
9 did you have any conversations with any  
10 of the district employees, administrators  
11 about what happened?

12 A. Not that I can recall, no.

13 Q. Two detectives had come to  
14 your office in October 2018 to tell you  
15 about the report that was made by [REDACTED]  
16 and you said that they had told you that  
17 a report was made at North Montco about a  
18 potential assault between two North Penn  
19 students at North Penn. They told you it  
20 was involving [REDACTED] and [REDACTED] And,  
21 then, you said that they told you, Don't  
22 do any investigation until our  
23 investigation is completed.

24 Is there anything else that

1 the detectives told you in that meeting?

2 A. No.

3 Q. Following the meeting, you  
4 said that you had called Todd Bauer; is  
5 that right?

6 A. Correct.

7 Q. What do you recall about  
8 that conversation with Todd Bauer, with  
9 Dr. Bauer?

10 A. I recall calling him, as my  
11 direct supervisor, to let him know that  
12 detectives from Towamencin had been here,  
13 that there was a complaint made by one of  
14 our students over at the tech school,  
15 that Towamencin was going to be  
16 investigating it, and just making him  
17 aware of the fact that the detectives had  
18 been here.

19 Q. What did Dr. Bauer say to  
20 you?

21 A. I couldn't tell you. I  
22 don't recall.

23 Q. Did you have any other  
24 conversations with Dr. Bauer around that

1     timeframe?

2             A.     I'm sure I did.    As my  
3     direct supervisor, I communicate with him  
4     probably at least daily, if not more.

5             Q.     What about involving  
6     specifically [REDACTED] and [REDACTED]

7                     I'm sure you talked about  
8     them all the time on different various  
9     things, but specifically involving these  
10    incidents with [REDACTED] and [REDACTED] do you  
11    recall having any other conversations  
12    with Dr. Bauer?

13            A.     Yes.   I remember having  
14    conversations throughout the time period  
15    in 2018, that the investigation was going  
16    on.   I don't recall specifics of many of  
17    those conversations, but I know we had  
18    talked about it, based on the fact that  
19    police investigation was ongoing.

20            Q.     And when you said that you  
21    remember having several conversations  
22    with Dr. Bauer as the investigation was  
23    going on, are you talking about the  
24    police investigation?

1           A.     Correct.

2           Q.     What do you remember about  
3 the conversations you were having with  
4 Dr. Bauer?

5                     Why were you having these  
6 conversations with him as the  
7 investigation was ongoing?

8           A.     I would keep him in the loop  
9 on something.

10                    For instance, there was a  
11 time, not too long after [REDACTED] had made  
12 the report and the detectives had come to  
13 the high school, that the detectives had  
14 come back to speak with the social  
15 studies teacher.

16                    For instance, in that  
17 situation, I would have called him to let  
18 him know that they were back and spoke to  
19 the social studies teacher.

20                    He would have, potentially,  
21 called me if he had any further  
22 information from anyone, just kind of  
23 making sure we were on the same page and  
24 understanding of, if the police

1 investigation was still ongoing or not.

2 Q. Okay. Do you recall any  
3 information that Dr. Bauer had shared  
4 with you, that he had perhaps learned?

5 A. I do not.

6 Q. When you said that the  
7 detective came to speak to the social  
8 studies teacher, are you talking about  
9 Mr. Borgmann?

10 A. Yes.

11 Q. And he was the social  
12 studies teacher for [REDACTED] and [REDACTED] in  
13 10th grade where these -- you know,  
14 [REDACTED] had reported being assaulted,  
15 correct?

16 A. Correct.

17 Q. As far as the police  
18 investigation was going, did you ever  
19 contact them for any updates as to what  
20 was going on?

21 A. I did not.

22 Q. During the course of the  
23 police investigation, [REDACTED] at this  
24 point, had gone back to the tech school

1 full time; is that right?

2 A. That's correct.

3 Q. What was going on with  
4 [REDACTED] at the high school?

5 Was he still a student?

6 A. Yes.

7 Q. Was there anything put in  
8 place by the high school during the  
9 course of this investigation regarding  
10 [REDACTED] or to, potentially, like, protect  
11 other female students at the high school  
12 from him?

13 A. No.

14 Q. Was there any discussion, at  
15 any point, with anybody about anything to  
16 put in place regarding [REDACTED] at the high  
17 school?

18 A. Not to my recollection.

19 Q. Do you know whether [REDACTED]  
20 was aware that there was an  
21 investigation, ongoing, into assaults by  
22 [REDACTED] or -- assaults of [REDACTED] by him?

23 A. I do not know for sure, no.

24 Q. When you say you don't know

1 for sure, is there some type of, like,  
2 inkling or rumor or anything like that  
3 that would give you that impression?

4 A. No. I would have to assume  
5 detectives investigating a situation,  
6 such as that, would involve contacting,  
7 at some point, the -- you know, alleged  
8 perpetrator, but that's just my, again,  
9 my own assumption.

10 Q. Okay. So there's nothing  
11 that you were aware, like, from other  
12 students or teachers or [REDACTED] family  
13 or anything like that, that would give  
14 you the impression that they were aware  
15 of the investigation, what was going on?

16 A. Correct.

17 Q. I believe in addition to  
18 speaking with Dr. Bauer after the two  
19 detectives had come to the high school  
20 and spoke to you in October of 2018, you  
21 also spoke to Dr. McCue; is that right?

22 A. I believe so, yes.

23 Q. What do you recall about  
24 speaking with Dr. McCue? Was this, like,



1 a telephone call, email, in person?

2 A. It would have been  
3 telephone.

4 Q. And what do you recall about  
5 that conversation with Dr. McCue?

6 A. Very little. I believe it  
7 just involved the same basic, you know,  
8 notification that police are  
9 investigating an alleged assault. And  
10 that's about all I can really recall  
11 there.

12 Q. Do you recall Dr. McCue  
13 giving you any instruction or information  
14 on what to do or what not to do?

15 A. I do not.

16 Q. Do you recall Dr. McCue  
17 telling you, you know, Don't start any  
18 investigation, we're not going to start  
19 any investigation?

20 Do you recall any  
21 conversation -- any of those types of  
22 things being part of the conversation  
23 with her?

24 A. I do not.

1           Q.     Are there any other  
2     conversations you can recall having with  
3     anybody around this timeframe that we  
4     haven't already spoken about?

5           A.     No, not that I can recall.

6           Q.     Do you have an estimate of  
7     how long, to your understanding, the  
8     police took to investigate this incident?  
9     These incidents?

10          A.     My recollection is that they  
11     notified me that their investigation had  
12     concluded sometime, I want to say, in  
13     early November.

14          Q.     So, approximately, a month  
15     later?

16          A.     Give or take, yes. I don't  
17     recall specific dates of -- I think as I  
18     said before, the report that was made by  
19     [REDACTED] nor do I remember the specific  
20     date of the November date, but I believe  
21     it was November.

22          Q.     Okay. And so what did --  
23                   Who was it that called you  
24     or contacted you about the investigation

1 being concluded?

2 A. I believe it was Detective  
3 Pierre-Louis.

4 Q. And what information -- I  
5 mean, obviously, Detective Pierre-Louis  
6 told you the investigation was concluded.

7 What other information did  
8 the detective provide to you?

9 A. I don't recall any further  
10 information being given to me other than  
11 the fact they concluded their  
12 investigation.

13 Q. Did you ask Detective  
14 Pierre-Louis what the outcome of the  
15 investigation was or what they had found?

16 A. I did not.

17 Q. Why didn't you?

18 A. My experience had told me  
19 that that was something that they would  
20 not necessarily share. So I didn't  
21 bother asking.

22 Q. When you said that your  
23 experience showed you that that wasn't  
24 something that they would necessarily

1 share, what do you mean?

2 A. I mean, in other instances,  
3 where the police were investigating any  
4 kind of alleged crime between two of our  
5 students, when their investigation would  
6 conclude, they would notify us that it  
7 had concluded, but not necessarily --  
8 actually, no. I shouldn't even say "not  
9 necessarily."

10 They would not notify us of  
11 the conclusion -- or the decision on any  
12 kind of charges or any pending -- you  
13 know, whether they were going to make an  
14 arrest, let's say, but they would just  
15 notify us the investigation had  
16 concluded.

17 Q. And to your understanding,  
18 when they're notifying you the  
19 investigation had concluded, what, if  
20 anything, did you do after that?

21 A. So at that point, I had  
22 reached back out to Dr. Bauer again to  
23 notify him that the investigation had  
24 concluded. I believe there was a phone

1 conversation. I don't recall everyone  
2 that was involved in that. And then  
3 pursuant to that, Kyle Hassler and I  
4 investigated and spoke with a number of  
5 the students that were in the social  
6 studies class, to try to get more  
7 information.

8 Q. Okay. Before I talk about  
9 the investigation with you and Kyle  
10 Hassler, you said you called Dr. Bauer on  
11 the phone to tell him the investigation  
12 had concluded. But then I think you  
13 mentioned there was a phone call with  
14 multiple people; is that right?

15 A. I know I spoke with  
16 Dr. Bauer. I believe, if I recall,  
17 Dr. Dietrich may have been on the phone  
18 call as well.

19 I don't recall specifically  
20 who all was part of that phone call, but  
21 I believe we kind of talked through the  
22 following steps and the investigation  
23 that we would start and conduct here at  
24 the high school.

1           Q.     This was a telephone  
2 conversation.

3                     Do you know, Dr. Bauer,  
4 Dr. Dietrich, and you're not sure who  
5 else was on this phone call?

6           A.     Correct.

7           Q.     And the purpose of this  
8 phone call was to: One, let them know  
9 that the investigation had concluded by  
10 the police department, and what steps  
11 should you and Kyle Hassler be taking at  
12 the high school to start the  
13 investigation at North Penn?

14          A.     Correct.

15          Q.     Was Dr. McCue on this  
16 telephone call, if you can recall?

17          A.     I don't specifically recall.

18          Q.     Okay. What did Dr. Bauer or  
19 Dr. Dietrich tell you about what the next  
20 steps would be, or what do you recall  
21 about that conversation?

22          A.     I recall talking about  
23 speaking with students that would be  
24 potential witnesses within the class,

1 seeing what they would report or what  
2 they know about anything that may have  
3 occurred in class and -- yeah.

4 Q. Who came up with the idea,  
5 first, that you would be the one speaking  
6 with students to see what they recalled  
7 or what they know?

8 A. Whose idea? I don't recall.

9 Q. Was there any type of, like,  
10 practice or policy in place for how an  
11 investigation would be conducted into  
12 something like this, like an alleged  
13 sexual assault in high school?

14 A. Without looking at the  
15 policies or admin regs that were in place  
16 at that time, I can't tell you for sure.

17 Q. At the time in 2018, were  
18 you aware of any policies or procedures  
19 as to how -- since we already established  
20 this involved Title IX since it was an  
21 alleged sexual assault, how a Title IX  
22 investigation would take place at the  
23 high school?

24 A. I can't say I was aware of

1 any specific policies, no.

2 Q. Have you ever received any  
3 training from anybody within the district  
4 about how a Title IX investigation would  
5 commence at the high school?

6 A. Again, pointing to  
7 administrative trainings that were held.  
8 Outside of that, I can't speak to a  
9 specific training for just myself or --  
10 no.

11 Q. And, I guess, what I'm  
12 asking is specifically, do you recall  
13 ever receiving training on, like, how to  
14 conduct an interview or anything like  
15 that in terms of an investigation?

16 A. I do not.

17 Q. Prior to this time, had you  
18 ever, yourself, conducted an  
19 investigation involving, like, Title IX  
20 issue?

21 A. I had not.

22 Q. Do you know whether Kyle  
23 Hassler, because you said he was kind of  
24 working with you on the investigation, do



1     you know whether Kyle Hassler had ever  
2     had experience conducting a Title IX  
3     investigation?

4             A.     I don't know that.

5             Q.     Okay. Did Dr. Bauer or  
6     Dr. Dietrich tell you anything about  
7     their experience in conducting a Title IX  
8     investigation?

9             A.     Not that I recall.

10            Q.     Did you talk to Dr. McCue at  
11    all before beginning your investigation  
12    in November of 2018?

13            A.     Again, not that I recall.

14            Q.     Since Dr. McCue is the Title  
15    IX -- or was the Title IX coordinator for  
16    the district at that time, do you know  
17    whether there was, like, an expectation  
18    for you to reach back out to her before  
19    doing a Title IX investigation?

20            A.     I'll say, based on the phone  
21    conversation, based on the conversation I  
22    had, there was no direction to reach back  
23    out to her at that point.

24            Q.     As the principal of the high

1 school at this point, what was your  
2 understanding of Dr. McCue's role as  
3 the -- I know you said director of HR,  
4 but also, wears the hat of Title IX  
5 coordinator, what was her role in Title  
6 IX investigations at schools?

7 A. As far as conducting the  
8 actual investigation, I don't believe  
9 there was an expectation of her doing so.

10 Q. Do you know what, if any --  
11 like, what your understanding was of her  
12 involvement, involving, you know, a Title  
13 IX investigation or Title IX anything?

14 Do you know what your --  
15 what was your understanding as to what  
16 her role was?

17 A. Again, my understanding was  
18 that she was the Title IX compliance  
19 officer; that, I believe as I answered  
20 before, that -- Title IX complaints would  
21 be reported to her, we would take  
22 direction from her, but she would not be  
23 part of the actual investigation.

24 Q. I mean, so I guess -- since

1     you would take direction from her as the  
2     Title IX compliance officer, did she give  
3     you any direction in this case?

4             A.     Not that I can specifically  
5     recall.

6             Q.     What was your understanding  
7     of what direction she should be giving  
8     you as the Title IX compliance officer?

9             MS. LLOYD:   Object to the  
10     form.

11            MS. LAUGHLIN:   You can  
12     answer.

13            THE WITNESS:   Can you repeat  
14     it?   I'm sorry.

15            MS. LAUGHLIN:   Can you read  
16     it back.

17                               -   -   -

18                    (AT this time, the court  
19     reporter read back from the record  
20     as requested.)

21                               -   -   -

22            THE WITNESS:   I guess my  
23     understanding, at the time, was  
24     that the investigation would

1 occur, that if there was anything  
2 specific that needed to be done or  
3 included after the investigation  
4 would be run by her. But that the  
5 investigation would be occurring  
6 at the building level.

7 BY MS. LAUGHLIN:

8 Q. Okay. So is it fair to say  
9 that as the Title IX compliance officer,  
10 your understanding is that she was more  
11 collecting information, like, she would  
12 collect the initial report that was made,  
13 she would collect, at the end of the  
14 investigation, what was found or  
15 something like that; is that accurate?

16 A. Yeah, I think that's  
17 accurate.

18 Q. Okay. Prior to 2018, did  
19 you ever have any conversations with  
20 Dr. McCue about her role as Title IX  
21 compliance officer?

22 A. Did I have any conversations  
23 with her? No.

24 Q. You're using the term "Title

1 IX compliance officer." And I've used  
2 the term "Title IX coordinator."

3 Do you know if there's a  
4 difference between the two?

5 A. I believe we're using them  
6 interchangeably.

7 Q. Okay. For example, like, to  
8 your understanding, there's nothing  
9 different between her being a Title IX  
10 compliance officer versus a Title IX  
11 coordinator? There's nothing different,  
12 to your knowledge, between those two  
13 terms; is that right?

14 A. Correct. As I said, I think  
15 the two of us are using them  
16 interchangeably. It's just my term  
17 versus your term. I don't see a  
18 difference between what we're saying.

19 Q. Okay.

20 THE WITNESS: Laura, while  
21 you pause there, could I take a  
22 five-minute comfort break? Would  
23 that be okay?

24 MS. LAUGHLIN: Yeah, let's

1           take a five-minute break. We'll  
2           come back at 11:30; is that okay?

3                       -   -   -

4                       (At this time, a discussion  
5           was held off the record.)

6                       -   -   -

7 BY MS. LAUGHLIN:

8           Q.       In this conversation with  
9           Dr. Bauer and Dr. Dietrich, we were  
10          talking about how the investigation is  
11          going to commence, what's going to  
12          happen. I think you said that you and  
13          Kyle Hassler were going to be the ones  
14          investigating; is that right?

15          A.       Correct.

16          Q.       Was Kyle Hassler on this  
17          telephone call too?

18          A.       To my recollection, yes.

19          Q.       Was there any notes taken  
20          during this phone call?

21          A.       Not to my recollection.

22          Q.       Other than the fact that, I  
23          think you said you were going to be  
24          interviewing students, and I think you

1 said potential witnesses, is there  
2 anything else that was discussed during  
3 that conversation as to what was going to  
4 happen in the investigation?

5 A. Not that I can recall.

6 Q. Were you the one to actually  
7 interview students or potential  
8 witnesses?

9 A. Yes. Kyle Hassler and I  
10 were both in the room.

11 Q. So you and Kyle Hassler were  
12 in the room with each of the students  
13 when you asked them questions; is that  
14 correct?

15 A. Correct.

16 Q. Why were both you and Kyle  
17 in the room when asking these students or  
18 witnesses questions?

19 A. I believe we decided that we  
20 would be there together if a question  
21 came up that either of us would want to  
22 follow up. Because they were 10th grade,  
23 he was their assistant principal, so we  
24 decided to ask the questions of students

1 together.

2 Q. Okay. Who was the one  
3 actually asking the questions of  
4 students?

5 A. I believe I asked the vast  
6 majority, if not all, of the questions.

7 Q. How was it determined what  
8 students would be interviewed?

9 A. We received a -- asked for  
10 and received a seating chart from the  
11 teacher, from the time that [REDACTED] and  
12 [REDACTED] were in class together and  
13 interviewed the students that sat nearest  
14 to them that would have had the ability  
15 to interact with them and to see how they  
16 interacted together.

17 Q. Okay. What was, like, the  
18 purpose of the investigation? I know  
19 you're investigating, but what exactly  
20 were you trying to figure out or  
21 determine?

22 A. We were trying to determine  
23 if there was anything that the students  
24 had witnessed, anything that they had



1     seen during the time that [REDACTED] and  
2     [REDACTED] were together in class that would  
3     have, I guess -- would have alerted the  
4     students to anything inappropriate  
5     happening between [REDACTED] and [REDACTED]

6             Q.     Were you also trying to  
7     determine whether these assaults  
8     actually -- whether they took place?

9             A.     I don't know if we expected  
10    to determine if the assault took place,  
11    but we wanted to determine if there was  
12    any behavior or anything that had  
13    occurred that would point us in that  
14    direction.

15            Q.     Okay. So the investigation  
16    that --

17                    I guess, the investigation  
18    that you and Kyle Hassler were doing, was  
19    there anything that any of the students  
20    saw that would point in the direction of  
21    [REDACTED] being assaulted by [REDACTED] Is  
22    that accurate?

23            A.     I'm sorry. Say that again.  
24    I'm not sure if I understood fully what

1     you were asking.

2             Q.     Sure. I was just trying to  
3     summarize your testimony to make sure I  
4     understood what you were saying, and that  
5     the purpose of your investigation, that  
6     you and Kyle Hassler were doing at North  
7     Penn High School, was to determine  
8     whether there was anything that any  
9     students had seen that would --

10            MS. LAUGHLIN: Emily, are  
11            you able to read back the last  
12            question that I had asked? I  
13            don't want to say the wrong thing  
14            or the different thing now.

15            Can you just read back that  
16            last whole question that I had  
17            said.

18                   -   -   -

19            (AT this time, the court  
20            reporter read back from the record  
21            as requested.)

22                   -   -   -

23            THE WITNESS: Yes. That was  
24            the idea behind -- yeah. That was

1           the idea behind the investigation.

2       BY MS. LAUGHLIN:

3           Q.       How were the questions, that  
4       you were asking to the students,  
5       determined? Like what questions to be  
6       asked?

7           A.       If I recall, Kyle and I,  
8       along with Dr. Bauer, talked a little bit  
9       about the questions that would be asked  
10      and then subsequent questions were driven  
11      based on the answers that students gave.

12          Q.       So the initial questions  
13      that were going to be asked, that was  
14      determined in the conversation you had on  
15      the phone with Dr. Bauer, Dr. Dietrich,  
16      and Kyle Hassler?

17          A.       As I recall, an outline --  
18      or a general understanding of how we  
19      would kind of conduct the investigation,  
20      were discussed during that conversation,  
21      yes.

22          Q.       Were the questions written  
23      down at all, that you were going to be  
24      asking the students?

1           A.       I don't recall writing them  
2 down, no.

3           Q.       Was there anything in place  
4 to ensure that the interviews of each of  
5 these students were consistent or done in  
6 the same way?

7           A.       Other than the same two  
8 individuals being part of the  
9 questioning? No.

10          Q.       Were these interviews, were  
11 they during the course of the school day  
12 at North Penn High School?

13          A.       They were.

14          Q.       And how did they even take  
15 place? Did you call students out of  
16 class? Did you schedule them ahead of  
17 them?

18                   How did the three of you get  
19 in a room together, the student and you  
20 and Kyle Hassler?

21          A.       We called them out of class.  
22 We called their class and asked them to  
23 come down to my office.

24          Q.       And so these interviews took

1 place in your office with you, the  
2 student, and Kyle Hassler present?

3 A. That's correct.

4 Q. Were these interviews  
5 recorded in any way?

6 A. They were not.

7 Q. Why weren't they recorded?  
8 Like audio or video or something like  
9 that?

10 A. I can say, in my now,  
11 whatever it is, 14 years of being a  
12 school administrator, we've never  
13 recorded an interview with a student.

14 Q. Was somebody taking notes  
15 during the meeting with the student?

16 A. Yes, I was.

17 Q. Okay. So you're the one --  
18 just so I make sure I understand --  
19 you're the one asking these students  
20 questions and, then, you are documenting,  
21 as you're asking questions and they're  
22 answering, what they're saying or --

23 A. Correct.

24 Q. Do you recall the questions

1 that you had asked these students or how  
2 you went into the interview, what  
3 questions you started with?

4 A. Specifically, at this point,  
5 I don't. No.

6 Q. What questions do you recall  
7 Dr. Bauer or Dr. Dietrich telling you?  
8 Did they tell you to ask any specific  
9 questions or particular questions of  
10 these students?

11 A. My recollection of that is  
12 that we would ask students to kind of  
13 report back on or to give us their  
14 recollection of any kind of interaction  
15 that they witnessed between [REDACTED] and  
16 [REDACTED] during their time in class, what  
17 they may have seen, if there were any  
18 kind of -- for lack of a better term, I  
19 don't think this was what we used in the  
20 phone call -- red flags or any kind of  
21 behaviors that were out of the ordinary,  
22 anything -- how they interacted with each  
23 other, if they were friendly, if they  
24 were standoff- -- it was just trying to

1     garner what kind of relationship the two  
2     had and if there was anything that stood  
3     out to them as concerning or that had  
4     been reported to them or told to them by  
5     either of the students.

6             Q.     Okay. By "either of the  
7     students," meaning by [REDACTED] or [REDACTED]

8             A.     Correct.

9             Q.     Were there any additional  
10    questions that you recall asking other  
11    than the types of questions that you just  
12    described?

13            A.     Specific questions that I  
14    recall, no. I know as students answer  
15    questions, there were probably some  
16    follow-up questions to gain  
17    understanding, gain clarity, just you're  
18    asking me.

19                    It's all, I believe,  
20    documented -- I believe I shared my  
21    personal notes from those interviews. So  
22    without seeing them, I couldn't tell you  
23    exactly everything that was said by every  
24    student or every question that was asked.

1           Q.     We'll go over those  
2 handwritten notes, what I think you're  
3 describing, anyway, in detail.

4                     But what I wanted to know --  
5 before looking at them -- was what your  
6 independent recollection was. You know,  
7 some people don't remember anything at  
8 all. You obviously have some memory  
9 independent from being able to look and  
10 read what you had written.

11                    Do you recall whether Kyle  
12 Hassler had taken any notes of these  
13 interviews or investigation?

14           A.     I don't recall if he did or  
15 did not. I was --

16           Q.     Other than interviewing  
17 students, like you have described, that  
18 were surrounding, on the seating chart,  
19 [REDACTED] and [REDACTED] is there anything else  
20 that you or Kyle Hassler had done to  
21 investigate this?

22           A.     No.

23           Q.     Did you ever interview

24 [REDACTED]



1           A.       We did not.

2           Q.       And why didn't you interview  
3       [REDACTED] about what had happened?

4           A.       She was no longer a student  
5 here. We did not have access to speaking  
6 with her.

7           Q.       Did you ask, like, her  
8 parents or anything about interviewing  
9 her even though she was now a student at  
10 the tech school?

11          A.       I believe an attempt was  
12 made to reach out to Mom. I don't recall  
13 the specifics of that. And I just recall  
14 that we weren't able to speak with her.

15          Q.       When you say you recall an  
16 attempt was made, who made the attempt or  
17 what are the circumstances that you're  
18 remembering about that?

19          A.       I remember there was  
20 conversation between, I believe, myself,  
21 Dr. Bauer. I'm not sure if counsel was a  
22 part of that, about reaching out. I  
23 don't believe I was the one that reached  
24 out to ask if she would be available, but

1 I do remember there was conversation  
2 about it.

3 Q. Do you know for certain  
4 whether somebody actually reached out to  
5 Mrs. [REDACTED] mom, to say,  
6 specifically, that you wanted to  
7 interview her about what had happened in  
8 the social studies class?

9 A. I don't know that for a  
10 fact.

11 Q. For example, in comparison  
12 to just leaving a message saying, Hey, we  
13 want to talk to you, you don't know which  
14 message may have been left with  
15 Ms. [REDACTED] correct?

16 A. Correct.

17 Q. Did you ever interview

18 [REDACTED]

19 A. We did not.

20 Q. Why didn't you interview

21 [REDACTED]

22 A. Based on the responses from  
23 the students that we did interview from  
24 the social studies class, we did not have

1 any evidence or any understanding from  
2 those interviews that would lead us to  
3 interview [REDACTED]

4 Q. If the allegation was --  
5 which it was -- that [REDACTED] had sexually  
6 assaulted [REDACTED] don't you think that  
7 [REDACTED] would have had more information  
8 about the relationship between him and  
9 [REDACTED] in the social studies class?

10 MS. LLOYD: Object to the  
11 form.

12 MS. LAUGHLIN: He can  
13 answer.

14 THE WITNESS: I wouldn't  
15 know.

16 BY MS. LAUGHLIN:

17 Q. Have you ever -- sorry.

18 Before, I think you had told  
19 me that you had never interviewed  
20 students in, like, an alleged assault or  
21 something like that prior to this, right?

22 A. Correct.

23 Q. In any of your conversations  
24 with Dr. Bauer or Dr. Dietrich or

1 Kyle Hassler, did anybody, you know,  
2 suggest or mention or bring up  
3 interviewing [REDACTED] [REDACTED]

4 A. Not to my recollection.

5 Q. How is it determined that,  
6 when you have a situation -- an  
7 allegation involving two students, that  
8 you start with, like, students  
9 surrounding them versus starting with an  
10 investigation or interviewing students  
11 that were actually involved in the  
12 alleged incident?

13 Like how did that come  
14 about?

15 A. In this situation, as I  
16 said, [REDACTED] was no longer a student  
17 here, so we were not able to start with  
18 her, to interview her.

19 Typically, in my experience,  
20 when a student is accused of any kind of  
21 wrongdoing, they, typically, aren't the  
22 first person I go to, to ask because  
23 they're not, typically, forthcoming  
24 and we like to gather any evidence or any

1 kind of information from those that may  
2 have witnessed the situation or look at  
3 video cameras, if there's video  
4 surveillance in the area where the  
5 alleged issue occurred and try -- have an  
6 understanding of what happened prior to,  
7 you know, home contacting the victim and  
8 trying to get them to give us  
9 information, when we have no real  
10 background or experience with what is  
11 being alleged of them.

12 Q. Well, you knew, at this  
13 point, when you're doing the  
14 investigation, that the allegation was  
15 that [REDACTED] was sexually assaulted by  
16 [REDACTED] -- is that right? -- in the social  
17 studies class?

18 A. That's correct.

19 Q. Did you have any details --  
20 when I say "sexual assault," that's  
21 what -- a broad term. I mean, there's  
22 only so much that you can -- you know,  
23 quantify as sexual assault.

24 Did you have any

1 understanding or more detail as to, like,  
2 what happened in the sexual assault?

3 A. I believe I answered that  
4 earlier. I did not.

5 Q. Okay. Like you didn't know  
6 if it was, like, penetration versus  
7 touching her breasts or anything like  
8 that; is that right?

9 A. That's correct. I did not  
10 have any knowledge of what the specifics  
11 of the allegation were.

12 Q. Okay. During the  
13 conversation that you had with Dr. Bauer  
14 and Dr. Dietrich and Kyle Hassler, did  
15 you discuss that you were going to wait  
16 to interview [REDACTED] until you got the  
17 information and heard what the  
18 surrounding students were saying about  
19 the incidents?

20 A. I don't recall specifics of  
21 whether we spoke about that or not.

22 Q. Do you recall whether, at  
23 any point during your conversation, there  
24 was a plan, at some point, where like,

1     you know, Based on what happened, we  
2     might interview ██████ --

3                     Did he even come up in the  
4     conversations about what to do with him?

5             A.     I'm sure based on the  
6     specific situation, we spoke about  
7     ██████ I don't recall the specifics of  
8     what the -- you know, what the  
9     conversation was or the direction, other  
10    than we would start with the potential  
11    witnesses.

12            Q.     And as far as your  
13    understanding, since you're -- would you  
14    agree with me, like, you're leading this  
15    investigation at the high school?

16            A.     Correct.

17            Q.     As far as you are concerned,  
18    you weren't going to talk to ██████ until  
19    you had heard what the other surrounding  
20    witnesses had said to see if they saw  
21    anything out of the ordinary; is that  
22    right?

23            A.     Correct.

24            Q.     And if they had not seen

1 anything out of the ordinary, was it your  
2 plan to not interview [REDACTED] about what  
3 happened?

4 A. I don't know that it was --  
5 a pretty determined plan. I believe it's  
6 what we determined once we spoke with the  
7 students surrounding [REDACTED] and [REDACTED]

8 Q. Why did you determine that  
9 you weren't going to interview [REDACTED]  
10 after you spoke to the surrounding  
11 students?

12 A. There was a general lack of,  
13 I guess -- for lack of a better term --  
14 evidence, or information that came from  
15 the surrounding students that would have  
16 pointed to something having happened --  
17 inappropriate having happened.

18 Q. That was going to be my next  
19 question, what you meant by "something  
20 having happened."

21 A. Yeah.

22 Q. And when you say  
23 "inappropriate," do you mean some type of  
24 sexual contact between the two?



1           A.     Correct.

2           Q.     I know you were talking  
3 about the timeframe and I know you were  
4 estimating for me that when you got the  
5 call and were going to start the  
6 investigation, it was early November  
7 timeframe, right?

8           A.     Yes.

9           Q.     Did you actually start  
10 interviewing students in early November?

11          A.     I believe so, yes. I don't  
12 recall -- I'm sorry.

13          Q.     Go ahead.

14          A.     I said I don't recall if I  
15 had dates on the sheets. I believe -- it  
16 was certainly in the first 10 to 15 days  
17 of November, very soon after the police  
18 had notified us that their investigation  
19 had concluded.

20          Q.     How long -- if you can  
21 recall -- did it take you to complete  
22 your investigation at the high school?

23          A.     I believe -- and I'm not  
24 certain -- that we completed the

1 investigation, with the students  
2 involved, over the course of one, no more  
3 than two days. Again, I don't want to  
4 guess. I tend to remember maybe one of  
5 the students was absent on Monday. We  
6 interviewed them on a subsequent day, but  
7 I believe it was certainly no more than  
8 two days.

9 Q. Okay. Do you remember  
10 anything else, independently, about each  
11 of these investigations -- or  
12 interviews -- I'm sorry -- with each of  
13 these students?

14 A. I do not.

15 Q. When you had called these  
16 students -- I assume they were each, one  
17 by one, called in; is that right?

18 A. Correct.

19 Q. When they were called in,  
20 one by one, did any of them have an  
21 understanding of why you were calling  
22 them in to speak with them?

23 A. I do not believe they did,  
24 no.

1           Q.     Like before starting to ask  
2     them questions, did you give any of the  
3     students any, like, summary as to, like,  
4     why they were here?

5                     For a student, for example,  
6     it's probably pretty scary to be called  
7     into a principal's office at school.

8                     Did you give them any speech  
9     beforehand before you starting asking  
10    them questions?

11           A.     I don't remember specifics.  
12    Typically, I would start a conversation  
13    like that with a student by telling them  
14    they're not in trouble, but something had  
15    been reported and I have to ask them some  
16    questions about what they may or may not  
17    know. And put them at ease that they're  
18    not the subject of any wrongdoing or  
19    potential disciplinary action.

20           Q.     And then from there, how did  
21    you kick off the specific investigation  
22    as to what you were trying to determine  
23    from these students?

24           A.     To the best of my

1 recollection, we -- I asked them -- or  
2 told them that there had been a report of  
3 something inappropriate that had occurred  
4 in their social studies class, kind of  
5 pointed them in the direction of [REDACTED]  
6 and [REDACTED] Without leading them in any  
7 specific direction, asked them if there  
8 was anything that they saw, anything that  
9 they heard, what kind of relationship --  
10 as I spoke to earlier -- what kind of  
11 relationship that they witnessed between  
12 the two, if there were any kind of  
13 situations that occurred during the time  
14 the two were in class together that  
15 raised any red flags or that was reported  
16 to them that anything inappropriate had  
17 occurred.

18 Q. When you said you pointed in  
19 the direction of [REDACTED] and [REDACTED] to  
20 these students, how did you do that?

21 A. I don't believe I said their  
22 names specifically, but I mentioned the  
23 fact that, you know, they sat near a  
24 young lady that was no longer in class or

1 -- I forget exactly how I positioned that  
2 with students, but I may have used their  
3 names. I don't recall.

4 Q. And "the young lady who was  
5 no longer in class," that was only  
6 [REDACTED] right?

7 A. Right. Correct.

8 Q. But so from your  
9 communications to these students,  
10 regardless you're not sure of the exact  
11 words you used, but all of these students  
12 understood you were asking them questions  
13 specifically about [REDACTED] and [REDACTED] is  
14 that right?

15 A. Correct.

16 Q. When you said that you were  
17 also -- you kind of went over, like, the  
18 different types of questions that you  
19 were asking each of these students to,  
20 obviously, hear what they say and then  
21 ask follow-up questions, depending upon  
22 what their answers were, you said that  
23 one of the other questions you had asked  
24 each of these students was if they had

1    seen any situations that had occurred to  
2    raise any red flags.

3                   Is that what you had asked  
4    each of these students?

5           A.     I didn't ask that question,  
6    but asked questions to see if there was  
7    any behaviors or anything that had  
8    occurred, any kind of conflict between  
9    the two, any kind of -- just gauging  
10   their behavior.  If they were friendly,  
11   if they would work together during, you  
12   know, independent time or group time  
13   during class.

14                  Again, if there was any, I  
15   guess, conflict between the two, if there  
16   was any kind of -- anything reported to  
17   any of them, based on anything that  
18   happened in class.  I didn't ask if there  
19   were any red flags.

20           Q.     The questions that you were  
21   asking individual students, were they  
22   open ended, or were they more like what  
23   you're describing, you know, was there  
24   any conflict between them?

1           A.       I would say that the  
2 majority of them were more open ended,  
3 just trying to get them to open up and  
4 speak and talk about what they had  
5 witnessed between [REDACTED] and [REDACTED]  
6 Some of the follow-ups may have been more  
7 "yes" or "no," but they're mostly open  
8 ended, just trying to get a sense of what  
9 they had witnessed.

10           Q.       Okay. Did you talk to  
11 [REDACTED] parents at all, during the  
12 course of this or after or before, about  
13 what the allegations were and what was  
14 going on in the school?

15           A.       I did not.

16           Q.       Did you talk to any of the  
17 -- the students you were interviewing,  
18 any of their parents at any time?

19           A.       I did not.

20           Q.       Did any parents contact you  
21 after the fact, like after these students  
22 had been called into your office, did any  
23 parents reach out to you about what was  
24 happening, what was going on?

1           A.     No.

2           Q.     After you had interviewed  
3 these students, did anybody else come up  
4 to you about what had happened?

5           A.     No.

6           Q.     As part of your  
7 investigation, am I correct that you  
8 didn't contact, like, the elementary  
9 school principal that was involved in  
10 what had happened in elementary school  
11 between [REDACTED] and [REDACTED] right?

12          A.     Correct.

13          Q.     Did you ever go into the  
14 district's system, for record-keeping or  
15 anything, to see what had occurred or  
16 whether anything was there involving  
17 [REDACTED] or [REDACTED] in the past?

18          A.     I did not.

19          Q.     Did you have the ability to  
20 do that, as the principal, to look --  
21 whether it was paper files or  
22 electronic -- to see what a student's  
23 history was?

24          A.     At that time, I had access



1 to their cumulative file, which has no  
2 disciplinary record in it, and I don't  
3 believe, at that time, there were any  
4 disciplinary records from elementary  
5 school in our student information system.

6 Q. Like that made its way from  
7 elementary school up through high school?

8 A. Correct.

9 Q. Did you have access -- I  
10 know you said it wasn't in the cumulative  
11 files, the disciplinary issues, did you  
12 have access to that in some other fashion  
13 on students that were in your high  
14 school?

15 A. No.

16 Q. If you wanted to know what  
17 the disciplinary history was on a  
18 student, is there some way you were able  
19 to get access to that information through  
20 the district?

21 A. If I were looking for  
22 disciplinary information other than  
23 calling and speaking with a colleague,  
24 calling and speaking with someone else,

1 no.

2 Q. I mean, I guess, for  
3 example, here, to be more specific, with  
4 [REDACTED] when you had heard that there's  
5 an allegation that he had sexually  
6 assaulted [REDACTED] in high school, did you  
7 try and get access to any of his  
8 disciplinary history to see if he had  
9 issues with this type of conduct in the  
10 past?

11 A. I did not.

12 Q. That is something that you  
13 could have done, though -- right? -- to  
14 have contacted -- whether somebody or  
15 gotten ahold of disciplinary records to  
16 check to see if he had done anything like  
17 this in the past?

18 A. I could have.

19 Q. And you didn't, in either  
20 way, call anybody or check the file?

21 A. I did not.

22 Q. I know we already talked  
23 about you being aware of allegations of  
24 assault in elementary school between

1       [REDACTED] and [REDACTED] right?

2               A.       Yes.

3               Q.       But were you aware, at the  
4 time, of instances of sexual misconduct  
5 involving [REDACTED] at the middle school?

6               A.       I was not.

7               Q.       And specifically, you  
8 weren't aware that it was two separate  
9 girls in the middle school in the  
10 district; is that right?

11              A.       That's correct.

12              Q.       In doing your investigation,  
13 since you were leading this investigation  
14 into what had occurred in the social  
15 studies class in 10th grade, would that  
16 have been important information for you  
17 to have in leading this investigation as  
18 to what other past instances of sexual  
19 misconduct this particular student had  
20 had?

21                      MS. LLOYD:   Object to the  
22 form.

23                      MS. LAUGHLIN:   You can  
24 answer.

1                   THE WITNESS: I guess,  
2                   potentially. I don't know what --  
3                   I don't know. So I don't know  
4                   that I can answer that with full  
5                   confidence.

6 BY MS. LAUGHLIN:

7                   Q. To your understanding, back  
8                   then, what, potentially, could have been  
9                   important information in that?

10                  A. I'm --

11                  MS. LLOYD: Object to the  
12                  form.

13                  THE WITNESS: I'm confused  
14                  as to what you're asking. I'm  
15                  sorry.

16 BY MS. LAUGHLIN:

17                  Q. That's okay, and thank you  
18                  for telling me. I'll try and rephrase.

19                  You were saying that that  
20                  information, knowing that there were  
21                  instances of past sexual misconduct of  
22                  [REDACTED] could have potentially have  
23                  been --

24                  Was it important

1 information? Is that accurate?

2 A. It could have been. I don't  
3 know that it would have been. Every  
4 situation is investigated on its own  
5 merit. Because a student was in trouble  
6 in middle school, doesn't necessarily  
7 mean that they're conducting the same  
8 behaviors or there's evidence they're  
9 doing the same thing in high school. So  
10 I don't -- I can't answer the  
11 hypothetical there.

12 Q. So just to understand your  
13 mindset: At the time in 2018 when you're  
14 leading this investigation, am I correct  
15 that you wouldn't be considering -- in  
16 your mind, you wouldn't be considering  
17 things that happened in the past because  
18 you're looking at, specifically in this  
19 instance, what a student did or didn't  
20 do; is that accurate?

21 A. Correct.

22 Q. In the conversations you had  
23 with Dr. Bauer, Dr. Dietrich, and Kyle  
24 Hassler, did any of them mention any past

1 misconduct of [REDACTED] when you're going to  
2 be kicking off this investigation?

3 A. No, none that I can  
4 specifically remember.

5 Q. Okay. Other than  
6 interviewing the students, is there  
7 anybody else that you interviewed, that  
8 you can recall?

9 A. No.

10 Q. For example, did you  
11 interview Dr. -- Mr. Borgmann, the social  
12 studies teacher?

13 A. I did not interview Mr.  
14 Borgmann. No.

15 Q. Why didn't you interview Dr.  
16 Borgmann, the teacher, where the assaults  
17 allegedly took place?

18 A. If I recall correctly, I'm  
19 trying to think -- I believe I was in the  
20 room when the police spoke with him, so I  
21 had his information. I didn't take any  
22 notes on that, but I was -- I believe --  
23 I don't know that I have a date at all,  
24 but I believe the police spoke with Mr.

1 Borgmann while here at the high school,  
2 and I was in the room for that  
3 conversation.

4 Q. Okay. When the police spoke  
5 to Mr. Borgmann, do you recall -- what do  
6 you recall about that conversation?

7 A. I recall -- and I'm trying  
8 to recall what I remember from students  
9 and what I remember from Mr. Borgmann. I  
10 remember him stating that, you know, he  
11 never witnessed anything, that -- or  
12 there was never any behaviors that rose  
13 to his attention or anything that  
14 happened that would, you know, raise a  
15 red flag in his estimation.

16 I remember that the general  
17 idea was that [REDACTED] and [REDACTED] often  
18 worked together when there was  
19 independent time. And that when there  
20 was group time, if they could work in  
21 pairs, the two of them would choose to  
22 work together, and that there was really  
23 nothing, in their time together in class,  
24 that Mr. Borgmann saw as anything

1 concerning between the two. Nothing that  
2 had been reported to him and nothing that  
3 was concerning from a behavioral  
4 standpoint.

5 Q. When you say that Dr. -- I  
6 keep saying "Dr. Borgmann." Maybe he is  
7 a doctor at this point.

8 A. He's not, but he would take  
9 that as a compliment.

10 Q. I'm sure.

11 When Mr. Borgmann was saying  
12 that when students would pair up in the  
13 class that [REDACTED] and [REDACTED] would choose  
14 to work together, do you know whether Mr.  
15 Borgmann had any -- did he give any  
16 further information as to, like, who  
17 chose to work with who?

18 A. No.

19 Q. As far as you know, do you  
20 know, like, whether [REDACTED] had asked to  
21 work with [REDACTED] or whether [REDACTED] said  
22 to [REDACTED] You're working with me, or  
23 anything like that?

24 A. I don't know that.



1           Q.     Were you present for any  
2 other police interviews?

3           A.     I was not.

4           Q.     Were you part of any other  
5 interviews other than what we've already  
6 talked about?

7           A.     I was not.

8                   MS. LAUGHLIN: I want to  
9 show you some of the documents  
10 that, I believe, you had turned  
11 over -- or the district had turned  
12 over, that perhaps you had  
13 provided in the investigation.  
14 Give me one second while I share  
15 my screen.

16 BY MS. LAUGHLIN:

17           Q.     Are you able to see my  
18 screen, Mr. Nicholson?

19           A.     Yes, I am.

20           Q.     Okay. And just for the  
21 record, this is page 537 of the North  
22 Penn Bates-numbered production in this  
23 case.

24                   On the screen, there's a

1 picture of, looks like, the seating chart  
2 for Mr. Borgmann's class; is that right?

3 A. Yes.

4 Q. Is this something you had  
5 asked Mr. Borgmann to provide to you?

6 A. Yes. Correct.

7 Q. Do you recall whether Mr.  
8 Borgmann was asked about how these  
9 students ended up in these particular  
10 seats?

11 A. I don't recall him being  
12 asked or if he had an answer for that.

13 Q. Did you have an  
14 understanding, back then, as to how these  
15 students got put in these particular  
16 seats?

17 A. My understanding is -- and  
18 just from looking at it -- it's  
19 alphabetical: From front left to back  
20 left to -- and then left to right.

21 But I don't recall  
22 specifically asking that question. I  
23 believe that's the way it looks, for the  
24 most part.

1           Q.     Okay. Looking at the  
2 students' last names, that's what your  
3 understanding would be of how they ended  
4 up in these particular seats, correct?

5           A.     Correct.

6           Q.     In the right-hand corner  
7 where it says Borgmann, Period 6,  
8 2018/'19, is that your handwriting?

9           A.     It is not.

10          Q.     Do you know whose  
11 handwriting that is?

12          A.     I believe it's Mr. Borgmann.

13          Q.     Do you know [REDACTED] face  
14 has an X through it on the seating chart?

15          A.     I believe because at the  
16 time when this was provided, she was no  
17 longer in the class.

18          Q.     Okay. There's a triangle  
19 below [REDACTED] name.

20                   Do you see that?

21          A.     I do.

22          Q.     I can make it a little  
23 larger for you.

24                   Can you see it a little

1 better now?

2 A. A little bit. Yes.

3 Q. Are you able to see that?

4 A. Yes.

5 Q. Do you know why the triangle  
6 is next to some students' names?

7 A. I'm having trouble seeing  
8 exactly which triangle it is. There's a  
9 number of things: It could be a student  
10 with an IEP, it could be a student with a  
11 medical issue, it could be a student  
12 with, you know, a 504. For instance, a  
13 504 plan. I can't tell specifically  
14 based on that because it's not in color,  
15 and it's awfully hard to read what it is.  
16 But there are a number of reasons why  
17 they would have different flags there.

18 Q. So there's different  
19 triangles that would be different colors  
20 for different purposes; is that accurate?

21 A. Yes. Different colors and  
22 different insignias within the triangle.

23 Q. Do you know what different  
24 colors mean?

1 I know this is in black and  
2 white. But do you have -- like there's  
3 three different colors: Red means this  
4 and green means this?

5 A. Honestly, I don't recall.  
6 The 2018-'19 was the last year of that  
7 student information system, so I haven't  
8 worked in that system in two plus years,  
9 three years. I don't recall the  
10 specifics of which was which.

11 Q. Okay. When there's a  
12 triangle with an M in it, what does that  
13 mean?

14 A. A triangle with an M? I  
15 don't recall.

16 Q. Like M, as in -- I  
17 interpreted it as a medical condition --

18 A. I believe that was medical.

19 Q. What about a triangle with  
20 an S?

21 A. I don't recall.

22 Q. And so this is the chart you  
23 were talking about that helped you  
24 determine who was actually going to be

1 interviewed; is that right?

2 A. That's correct.

3 Q. Is there anything else that  
4 this chart of students was used for in  
5 your investigation?

6 A. No.

7 Q. So I'm going to go to the  
8 next page, which has handwritten on,  
9 like, a lined page, the first page on  
10 page 538, for the record, is Anthony at  
11 the top; is that right?

12 A. Yes.

13 Q. Are you able to see this  
14 okay?

15 A. Yes.

16 Q. Okay. Let me know if you  
17 need me to make it a little bit bigger on  
18 your screen, I can do so.

19 A. If you could do that, that  
20 would be great.

21 Q. Is that easier to see?

22 A. Yes.

23 Q. Okay. Is this your  
24 handwriting?

1           A.     Yes, it is.

2           Q.     So these are the notes that  
3     you were talking about taking as you're  
4     interviewing these students; is that  
5     right?

6           A.     Correct.

7           Q.     Would you agree with me that  
8     this is not, word for word, what these  
9     students were telling you?

10          A.     Correct.

11          Q.     This is kind of a summary  
12     or -- kind of what -- like the gist of  
13     what these students were saying; is that  
14     accurate?

15          A.     That's accurate.

16          Q.     Looking at these notes from  
17     your conversation with Anthony -- which I  
18     know we can correspond with the seating  
19     chart and figure out Anthony's full name  
20     and stuff.

21                     But looking at this, does  
22     that refresh your recollection as to what  
23     you had asked Anthony and what he had  
24     said in return?

1           A.     Yes.

2           Q.     And can you walk me through  
3     that, using, you know, your handwritten  
4     notes as kind of a guide or an assistance  
5     to you to be able to recall exactly what  
6     had happened in that interview?

7           A.     Yeah.   So I would have  
8     asked -- or I was asking what Anthony  
9     does and what the specific student --  
10    what he notices, what he saw, anything  
11    that occurred in class.   And he obviously  
12    said, here to start, that he doesn't pay  
13    much attention, just works by himself.

14                   Talked a little bit or asked  
15    a little about when it says, "most people  
16    move desks," I would have asked him, you  
17    know, a little bit about the group work  
18    and who worked together or those types of  
19    things.

20                   And then I can assume what  
21    some of the follow-up questions may have  
22    been from there, based on what is listed  
23    here, what I wrote out here.   I don't  
24    know the specifics, so I didn't write



1 down.

2 As you said, it's more of a  
3 summary. I didn't write down the  
4 specific questions asked.

5 Q. Okay. When he's telling  
6 you, most people move desks, like during  
7 group work they'd move their desks  
8 together or in the course of the class,  
9 people would move the desks around?

10 A. Yeah. During the course of  
11 group work or when they were pairing up  
12 to do something other than independent  
13 work.

14 Q. Did he talk to you  
15 specifically about [REDACTED] desk and  
16 [REDACTED] desk and whether they were  
17 moved?

18 A. Based on these notes, he did  
19 not.

20 Q. Would I be safe in  
21 assuming -- or am I correct in saying  
22 that you didn't ask him specifically  
23 about [REDACTED] and [REDACTED] desk, then; is  
24 that right?

1           A.     Either that or he didn't  
2     have specific information about that,  
3     based on his not paying attention to the  
4     other kids comment earlier on.

5           Q.     What about the next line,  
6     where it starts back middle.

7                     Can you explain to me what  
8     you were asking and what Anthony was  
9     explaining to you?

10          A.     I think I was asking where  
11     Anthony sat in the classroom and what  
12     his, I guess, for lack -- I don't know  
13     that I asked him this way, but what his  
14     vantage point was over the relationship  
15     between [REDACTED] and [REDACTED]

16          Q.     And, then, the next part,  
17     where it's saying, "TH," is that [REDACTED]

18     [REDACTED]

19          A.     Correct.

20          Q.     And when you write "PB,"  
21     that's [REDACTED] [REDACTED]

22          A.     Correct.

23          Q.     And so can you explain for  
24     me based on that same line, the next

1 part, what was going on, what he was  
2 telling you, what you were asking.

3 A. Anthony reported that [REDACTED]  
4 had told him that -- he didn't witness  
5 anything -- but [REDACTED] told him that  
6 [REDACTED] was getting touchy; that Anthony  
7 didn't see anything inappropriate, and  
8 what he saw and that how it was reported  
9 to him, in the last line, that [REDACTED] was  
10 upset about it, but was just kind of  
11 telling him and talking about it; and  
12 that what he had witnessed -- that  
13 was that they were -- they interacted as  
14 close friends; that they would lean on  
15 each other when they're closer together;  
16 and he didn't see anything that was  
17 inappropriate or anything that pointed  
18 him in the way that there was anything  
19 inappropriate that occurred.

20 Q. Did you ask Anthony  
21 specifically, like, was there anything  
22 inappropriate that had occurred between  
23 the two of them?

24 A. In those words? I don't

1 recall specifics of what I would have  
2 used. It sounds like something I would  
3 say. I don't know if that was the exact  
4 wording I would have used.

5 Q. To go back, I want to --  
6 sorry. Was I cutting you off?

7 A. No.

8 Q. I want to go down and break  
9 down each of those lines. There's a lot  
10 there.

11 The line that starts with  
12 "back middle," it says, TH, [REDACTED] didn't  
13 get along with [REDACTED] [REDACTED] I want to  
14 ask you specifically about that.

15 Was that in response to you  
16 asking Anthony if these two students got  
17 along with each other?

18 A. I don't recall. I don't  
19 want to guess. I don't recall.

20 Q. When it says here, "[REDACTED]  
21 didn't get along with [REDACTED] [REDACTED] what  
22 does that mean?

23 What was Anthony telling  
24 you -- why did you write that down?

1           A.     Again, I don't want to  
2 guess. My recollection is a little foggy  
3 on that, but I believe there was some  
4 talk about the fact they hadn't  
5 previously gotten along. I don't want to  
6 go too far down the track of guessing.

7           Q.     Did Anthony tell you, like,  
8 what in the past, why they didn't get  
9 along? Did he have any understanding of  
10 that, to your recollection?

11          A.     Not to my knowledge, no.

12          Q.     Did you ask any follow-up  
13 questions to Anthony as to why [REDACTED] and  
14 [REDACTED] didn't get along?

15          A.     Not that I recall.

16          Q.     You said that Anthony told  
17 you that [REDACTED] had told Anthony that  
18 [REDACTED] [REDACTED] was getting touchy with her.  
19 What exactly did he tell  
20 you?

21                   Go ahead.

22          A.     I believe that that is what  
23 he told me.

24          Q.     When you wrote the phrase

1     that "██████ was getting touchy," what  
2     does that mean?

3             A.     I guess, just what it says,  
4     that ██████ was touching ██████

5                     The follow-up questions to  
6     that were, you know, asking Anthony what  
7     he saw and what his recollection and  
8     understanding of speaking with ██████  
9     about that was. And if she had reported  
10    that to him or said something to him of  
11    that nature, that ██████ was getting  
12    touchy in a negative connotation or in  
13    any way that Anthony saw it as  
14    inappropriate or that ██████ had  
15    mentioned it being inappropriate.

16            Q.     Did you ask Anthony that  
17    specifically?

18            A.     I would assume so, based on  
19    what I wrote here, yes.

20            Q.     Did you ask Anthony what he  
21    meant when he said "getting touchy"?

22                     Was that actually his words  
23    that he had used to you?

24            A.     Again, as I recall, those

1 are the words that Anthony said that  
2 [REDACTED] had said to him. So I was more --  
3 sorry.

4 I was more looking at trying  
5 to get Anthony's understanding of what  
6 [REDACTED] meant, not necessarily what  
7 Anthony meant because he wasn't privy to  
8 the situation.

9 Q. Did Anthony tell you that  
10 [REDACTED] is the one who used the phrase  
11 "getting touchy" to him?

12 A. Anthony said that [REDACTED]  
13 told him that [REDACTED] was getting touchy,  
14 yes.

15 Q. What did you do to determine  
16 what "getting touchy" meant?

17 A. I don't know that there was  
18 anything with Anthony I could have done.  
19 Anthony did not see it or have knowledge  
20 of anything besides what [REDACTED] had  
21 reported to him.

22 Q. Did you ask Anthony if he  
23 knew what [REDACTED] meant by "getting  
24 touchy," if he had any other details as

1 to what that meant?

2 A. I may have based on what is  
3 listed below that. I don't recall  
4 specifically.

5 Q. It says, "AL saw this."  
6 You're saying Anthony saw  
7 this. What exactly did Anthony see or  
8 what did he tell you he saw?

9 A. I believe, based on my  
10 recollection of the conversation, he did  
11 not see this as something inappropriate  
12 based on how [REDACTED] reported it to him.

13 Q. When you say -- oh, saw,  
14 meaning Anthony saw this, meaning what  
15 [REDACTED] is saying to him?

16 A. Correct.

17 Q. Not Anthony -- sorry.

18 A. No. I'm sorry. I cut you  
19 off.

20 My recollection of this  
21 conversation was that it was reported by  
22 [REDACTED] that [REDACTED] was getting touchy,  
23 but Anthony's estimation of what [REDACTED]  
24 was saying was not that she was upset



1 about it, in any way, or that it was  
2 inappropriate in any way.

3 Q. How did Anthony get that --  
4 how did he come to that conclusion, or  
5 how did you understand that was what  
6 Anthony was telling you?

7 A. That if you look at the  
8 second to last line, I believe I asked  
9 the question about what he witnessed or  
10 what he saw and what his estimation of  
11 what [REDACTED] had said, and that he saw  
12 them more leaning on each other, acting  
13 as close friends, being -- you know,  
14 having an amicable relationship. I don't  
15 think he used that word. That's my word.

16 Q. That's a pretty big word for  
17 a 10th grader, I would say.

18 A. Absolutely.

19 Q. Students leaning on each  
20 other, is that something that is  
21 appropriate for a social studies class in  
22 high school?

23 A. I wouldn't say it was -- I  
24 wouldn't say it's inappropriate. It

1 happens when students are in close  
2 proximity. I wouldn't say it's something  
3 that would be necessarily addressed by a  
4 teacher or something that would be out of  
5 the ordinary.

6 Q. When you say "leaning on  
7 each other," what exactly does that mean?

8 A. At this point, I don't know  
9 specifically. Anthony would know better  
10 than I do since he witnessed it. But, I  
11 mean, I -- yeah, I don't know.

12 Q. At the time in 2018, did you  
13 have an understanding, or did you try to  
14 gain an understanding from Anthony as to  
15 what "leaning on each other" meant?

16 A. I'm sure I did. I don't  
17 recall specifically how that was answered  
18 or what the response was.

19 Q. Okay. Nothing in your notes  
20 here indicates what that meant or  
21 anything like that, right?

22 A. Correct.

23 Q. And you agree with me, in  
24 your notes, there's nothing here that --

1 would you agree "getting touchy" really  
2 isn't defined either?

3 A. Correct.

4 Q. When it said, Anthony said  
5 that [REDACTED] was not upset about this, how  
6 did you find that information out?

7 Is that something you asked  
8 Anthony specifically, Was [REDACTED] upset  
9 about this? And that was his response,  
10 saying, no?

11 A. Yes.

12 Q. Is there anything else about  
13 this conversation with Anthony that you  
14 recall?

15 A. No.

16 Q. Based on you having the  
17 information about [REDACTED] telling Anthony  
18 that [REDACTED] was getting touchy with her,  
19 did that raise any level of concern for  
20 you in this investigation as to [REDACTED]  
21 being inappropriately touched by [REDACTED]  
22 in the class?

23 A. I will say that when Anthony  
24 reported that, there was a level of

1 concern. As I spoke with Anthony -- as  
2 Kyle Hassler and I spoke with him, and  
3 then as Kyle and I debriefed afterwards,  
4 Anthony's further comments or further  
5 answers that are listed below that  
6 comment in the -- what he had witnessed,  
7 the behavior he witnessed, and the  
8 demeanor in which he reported to us that  
9 [REDACTED] had made the comment, alleviated  
10 many of those concerns.

11 Q. What was the demeanor? Was  
12 it [REDACTED] demeanor that you're talking  
13 about, that Anthony was describing to  
14 you?

15 A. Correct.

16 Q. What demeanor was that?

17 A. That she wasn't upset about  
18 it. That there was nothing that she  
19 disclosed to him, or nothing that she  
20 said that, in any way, made him feel like  
21 she was upset about it or, you know, that  
22 there was anything that she wasn't  
23 comfortable with.

24 And the further Anthony

1 reporting that -- you know, they worked  
2 together as close friends and were  
3 amicable. And that led us to believe  
4 that there was lower -- that there's not  
5 a high level of concern.

6 Q. What you're just describing  
7 there, that was Anthony's impression  
8 of --

9 A. Yeah.

10 Q. Like, this wasn't [REDACTED]  
11 saying to him, Like, I'm not upset about  
12 it, that's not what you're describing,  
13 right?

14 A. To my recollection, it was  
15 Anthony's understanding.

16 Q. When you said that Anthony  
17 told you about [REDACTED] demeanor, what  
18 specifically did he tell you about her  
19 demeanor?

20 A. I don't remember  
21 specifically what words he used or how he  
22 described it. But again, you know, he  
23 said that she wasn't upset at all about  
24 what she was talking about or upset at

1 all about, you know, any of the  
2 interactions between herself and [REDACTED]

3 Q. I'm specifically asking --  
4 maybe the answer is he didn't or you  
5 don't recall, but specifically --

6 Because [REDACTED] not being  
7 upset about it, that's, like, a  
8 conclusion.

9 Would you agree?

10 A. That was his conclusion,  
11 yes.

12 Q. But I guess specifically on  
13 demeanor, did he tell you anything  
14 about -- did Anthony tell you anything  
15 about [REDACTED] demeanor, specifically?

16 A. No.

17 Q. You said you and Kyle  
18 Hassler had a debrief after this meeting  
19 with Anthony.

20 Tell me what you remember  
21 about that debrief.

22 A. After every student we spoke  
23 with, again, I remember talking with him  
24 and talking about what Anthony had said

1 and, you know, the facts -- I believe  
2 Anthony was the only one that had a  
3 conversation with either [REDACTED] or [REDACTED]  
4 about anything that happened in class or  
5 about anything here.

6 So I remember talking with  
7 him and, again, talking about the -- just  
8 the general -- again, I'm using the word  
9 "demeanor," but Anthony's conclusions  
10 that there was nothing inappropriate that  
11 [REDACTED] was reporting, that she was just  
12 letting him know, or speaking to Anthony  
13 as a friend, and talking about [REDACTED]  
14 with Anthony.

15 Q. Did you ask Anthony why  
16 [REDACTED] was telling him this stuff?

17 A. Not that I recall.

18 Q. Did you ask Anthony when  
19 [REDACTED] had told him this stuff?

20 A. Not that I recall. I was  
21 going to say, this would have been -- I  
22 mean, no, I did not.

23 Q. Did you recall how many --  
24 did Anthony tell you on how many

1 occasions [REDACTED] had told him about  
2 [REDACTED] getting touchy with her in the  
3 class?

4 A. Not that I recall.

5 Q. Did you ask Anthony  
6 specifically if he knew how often or how  
7 many times [REDACTED] had gotten touchy with  
8 [REDACTED] according to [REDACTED]

9 A. Again, not that I recall.

10 Q. If you had asked those  
11 questions about how often, how many  
12 times, the details on the getting touchy,  
13 would that have been something you would  
14 have included in your notes?

15 A. I would assume so, yes.

16 Q. After you and Kyle Hassler  
17 had debriefed after talking with Anthony,  
18 what, if anything, did you talk about  
19 doing as a follow-up to what Anthony had  
20 told you?

21 A. I don't recall.

22 Q. Do you recall any steps you  
23 were going to take about this, you know,  
24 getting touchy or [REDACTED] and [REDACTED] not



1 getting along?

2 Was there anything further  
3 that you and Kyle had determined to do to  
4 find out more details on those two  
5 specific things?

6 A. Not that I recall. I also  
7 don't recall where, in the line of the  
8 investigation, this conversation  
9 occurred. If Anthony was first, last, or  
10 in between. The next steps would have  
11 been debriefed at the very end of the  
12 investigation, not necessarily, you know,  
13 This is what we're going to do next. We  
14 would have spoken with all five students.  
15 I don't recall exactly what we spoke  
16 about after this specific line of  
17 questioning with Anthony.

18 Q. Do you agree with me that  
19 after the student conversations, you  
20 didn't do anything further to determine  
21 any more details about why [REDACTED] didn't  
22 get along with [REDACTED] is that correct?

23 A. Correct.

24 Q. After -- you know, the five

1 investigations or the investigations of  
2 the students -- the interview you had  
3 with -- sorry.

4 After the interviews you had  
5 with the other students and the interview  
6 you had with Anthony, would you agree  
7 with me that you didn't do anything  
8 further to investigate [REDACTED] telling  
9 Anthony that [REDACTED] was getting touchy  
10 with her?

11 A. Correct.

12 Q. I'm going to go to the next  
13 page, which is 539. This is Sam.

14 Is that a female? Samantha,  
15 I think I saw, on the list?

16 A. I believe so, yes.

17 Q. Are these all your  
18 handwritings?

19 A. Yes.

20 Q. Where did these interview  
21 notes come from?

22 Were they in a notebook that  
23 you had, or were they implemented in some  
24 type of system in the district of this

1 investigation?

2 A. They were in a notebook that  
3 I had.

4 Q. So after this investigation  
5 was completed, did you just keep all of  
6 these notes in a notebook in your office  
7 or something?

8 A. Yes.

9 Q. After you concluded your  
10 investigation, was any documentation  
11 passed along to anybody else at the  
12 district?

13 A. I mean, obviously at some  
14 point, the district has these notes. I  
15 don't recall the specifics of when or  
16 how.

17 Q. I mean, I guess you would  
18 have had to have given these notes to  
19 somebody, out of the notebook in your  
20 office; is that right?

21 A. Correct.

22 Q. And that would have been --  
23 was that after the litigation had  
24 started?

1           A.       Again, I don't recall the  
2 timing of when or how these were shared.

3           Q.       Do you recall getting this  
4 notebook from your office and providing  
5 it to somebody?

6           A.       I do remember scanning it.  
7 Scanning the pages of the notebook.  
8 Again, I don't remember when or to who.

9           Q.       You don't know who you  
10 scanned and sent them to?

11          A.       I don't recall, no.

12          Q.       Do you know whether -- can  
13 you estimate how long ago that was, that  
14 you were scanning these notes and  
15 providing them to somebody?

16          A.       Honestly, no. I don't  
17 recall.

18          Q.       Do you know, after you had  
19 completed your investigation, which you  
20 said was two days after you started it in  
21 November 2018, did you provide any of  
22 these notes to anybody throughout, to  
23 say, the course of the rest of the school  
24 year?

1           A.     Again, I don't recall if it  
2     was shared. At that time, I don't --  
3     some point it was shared, obviously. I  
4     don't recall.

5           Q.     To your understanding, had  
6     you -- I know you said, like, whenever  
7     you did, that we were just talking about,  
8     that you had scanned in the notebook, do  
9     you recall ever scanning in these  
10    notebook pages to anybody prior to that?

11          A.     I'm sorry. Do I remember  
12    scanning the notebook prior to scanning  
13    the notebook?

14          Q.     Yes.

15          A.     I don't recall scanning it  
16    more than once. I do recall, at some  
17    point, there was a question that, I  
18    believe, one of my handwritten notes was  
19    missing a back page and there was a bleed  
20    through in rescanning something recently,  
21    but I don't recall if it was scanned  
22    once, twice -- I don't...

23          Q.     After you concluded this  
24    investigation, did you compile any

1 summary or report of your conclusions or  
2 anything like that?

3 A. No.

4 Q. Why not?

5 A. I will say, in the  
6 investigations I've conducted as an  
7 administrator, I've never compiled a  
8 full -- any kind of report. That's not  
9 typical of an investigation.

10 Q. In the district?

11 A. Correct. Or previous  
12 districts.

13 Q. Okay. Do you know whether  
14 there's any policy or procedure at the  
15 district about having, like, a conclusion  
16 report at the end of an investigation?

17 A. Not to my knowledge.

18 Q. Had you ever received any  
19 training on that, about what to do when  
20 you conclude the investigation?

21 A. Not that I recall.

22 Q. What about from Dr. Bauer or  
23 Dr. Dietrich?

24 Did they tell you, you know,

1     what to do after you spoke to these  
2     students?

3             A.     Not that I recall.

4             Q.     When you concluded your  
5     investigation after a day or two of  
6     starting it in November, what did you do  
7     with the information that you had  
8     learned?

9                     I know it's in your  
10    notebook, but did you communicate that to  
11    anybody?

12                    What was the next step?

13            A.     I believe, if I recall,  
14    again, there's a conversation between Mr.  
15    Hassler and myself, and at least  
16    Dr. Bauer, to report back on kind of what  
17    had been gleaned from the students we  
18    spoke to.  Again, to my recollection,  
19    that's what happened.  Once we had  
20    concluded the five interviews.

21            Q.     You and Kyle Hassler had  
22    reported back to Dr. Bauer?

23            A.     Correct.

24            Q.     Was that a telephone call

1     that you had with him?

2             A.     Yes.    I believe so.

3             Q.     And what did you tell  
4     Dr. Bauer?

5             A.     I don't remember specifics,  
6     but we would have gone through what the  
7     students had said, what I had written  
8     down in my notes here, what the  
9     conclusion was that we drew from speaking  
10    with the students.

11            Q.     And what was the conclusion  
12    that you drew from speaking with the  
13    students?

14            A.     The conclusion was that  
15    there was nothing that pointed us in the  
16    direction that we had reasonable  
17    suspicion that an assault had occurred in  
18    class.

19            Q.     Did you tell Dr. Dietrich,  
20    at any point, that you believed that  
21    [REDACTED] had made up the assaults?

22            A.     Not that I recall, no.

23            Q.     Is that something that you  
24    believed, at the time, that [REDACTED] had



1 made up the assaults?

2 A. I believe, at the time, we  
3 didn't have evidence or corroboration  
4 that something had happened. I don't  
5 know if I believed it was up or that we  
6 didn't have the evidence. I didn't  
7 believe we had sufficient evidence to  
8 move forward with any other  
9 investigation.

10 Q. Did you have any  
11 understanding or belief, back in 2018, or  
12 shortly thereafter, of any motivation for  
13 [REDACTED] for making up an assault?

14 A. No.

15 Q. For example, were you part  
16 of any conversations about [REDACTED]  
17 allegedly getting bad grades in the  
18 history class, the social studies class?

19 A. No.

20 Q. Did you talk to Mr. Borgmann  
21 at all about [REDACTED] grades in the  
22 social studies class?

23 A. I don't remember specifics  
24 of talking with him about her grades. I

1 know that there was a teacher-initiated  
2 level change, to her out of that class,  
3 which is not totally uncommon.

4 Q. How do you know about that,  
5 the teacher initiated level change?

6 A. At some point in the  
7 timeline, I went to check the student  
8 schedules, to see if they were in the  
9 same class together. I believe it was  
10 the day that the detectives came, saw  
11 that they were no longer in the same  
12 class, and that she had -- I believe --  
13 again, as I recall, on the day that she  
14 made the report, that she was dropped out  
15 of that class to a lower level social  
16 studies class.

17 Q. Did you find out how that  
18 came about, how that had happened or why?

19 A. Again, I believe it happened  
20 that day and I believe it was a teacher  
21 initiated level change.

22 Q. Did you talk to anybody,  
23 though, to understand why it was a  
24 teacher initiated level change, why the

1 teacher allegedly initiated that?

2 A. I did not speak to Mr.  
3 Borgmann specifically about that, no.

4 Q. Did you speak to anybody  
5 else about that, to see if anyone had any  
6 understanding of what had happened or  
7 why?

8 A. I did not.

9 Q. You said you checked the  
10 schedules and learned that they were in  
11 the same class together.

12 What did you do about that  
13 afterwards?

14 Did you find out how that  
15 happened, or what next steps, if any, did  
16 you take?

17 A. I recall going to our  
18 student information system and trying to  
19 determine how it happened and not being  
20 able to figure that out.

21 I don't recall an answer to  
22 how that happened. I believe, at some  
23 point, technology was involved. I don't  
24 recall at what level or who initiated the

1 request to technology to find out when  
2 and where that change was made between  
3 when Kate Smalls double-checked the  
4 schedule and when they ended up in the  
5 same class together.

6 Q. After this had happened,  
7 when they weren't supposed to be in the  
8 same class together, and then they were,  
9 was there any, like, training or policy  
10 change or discussions that were had about  
11 how to prevent this from happening again?

12 A. Yeah. I think we mentioned  
13 this earlier when I talked about the fact  
14 that -- and you mentioned the pop-up flag  
15 in the student information system.

16 So that was put into place  
17 after this situation.

18 Q. When you say "put into  
19 place," I mean, how was that put into  
20 place?

21 For example, did you explain  
22 to like your administration or have a  
23 training that this was available to them,  
24 or how did that get put into place?

1           A.       Correct. There would have  
2     been communication with -- potential  
3     training for those who needed to do it,  
4     to put the banner in there that needed to  
5     be in there, if students should need to  
6     be kept separate.

7           Q.       Was there any type of  
8     training or memo or something like that  
9     to teach the administration about that  
10    being available, now that there's a  
11    pop-up that can be used?

12          A.       There would be, at the very  
13    least, a discussion on it. I don't know  
14    if there was a memo, an email, exactly  
15    how that would have been rolled out.

16                    It wouldn't have gone to  
17    teachers because teachers would not have  
18    had access to that component in the  
19    system.

20          Q.       Okay. After you had the  
21    telephone call, I think you said with  
22    Dr. Bauer that you had concluded the  
23    investigation and there wasn't enough  
24    evidence or whatever -- there was nothing

1 further going to be done, how did that  
2 conversation get left with Dr. Bauer?

3 A. What do you mean how did  
4 that get left?

5 Q. Were there any next steps  
6 discussed, or was it, Okay. There's  
7 nothing else that needs to be done.  
8 Thanks for telling me?

9 A. I don't specifically recall  
10 since, I believe, that was the end of the  
11 investigation at the high school level.

12 I'm assuming it was left  
13 with, That's the end of our involvement  
14 at the high school. I don't know if  
15 there was anything else that occurred  
16 outside of the high school.

17 Q. Meaning at the broader  
18 district level?

19 A. Correct.

20 Q. Did you communicate with  
21 Dr. McCue about -- since you said she was  
22 notified when there was a report made  
23 initially, was she notified about the  
24 investigation concluding on behalf of the

1 high school, as far as you were  
2 concerned?

3 A. As far as I know, that was  
4 communicated to her, yes, through Dr.  
5 Bauer.

6 Q. Through Dr. Bauer?

7 A. Yes.

8 Q. How do you know that  
9 Dr. Bauer communicated with Dr. McCue  
10 about the investigation being concluded?

11 A. I don't have a specific way  
12 to answer that, other than I know that  
13 throughout this, Dr. Bauer, Dr. Dietrich,  
14 Dr. McCue, were all being kept in the  
15 loop on what was happening.

16 And as I said, as my direct  
17 supervisor at that time, I was reporting  
18 directly to Dr. Bauer.

19 Q. How do you know that  
20 Dr. McCue is being kept in the loop the  
21 whole time?

22 A. My recollection of  
23 conversations with Dr. Bauer throughout  
24 the ongoing timeframe.

1           Q.     Did Dr. Bauer tell you that  
2 he was -- everything that you were  
3 telling him, that he was now  
4 communicating that to Dr. McCue?

5           A.     That's my recollection. I  
6 don't remember a specific conversation  
7 pointing to that, but that was my  
8 understanding, yes.

9           Q.     Okay. Did Dr. McCue ever  
10 contact you, as leading this  
11 investigation, as to what happened, how  
12 the investigation went, anything like  
13 that?

14          A.     I don't recall specifically.  
15 I don't recall a specific conversation  
16 with her.

17          Q.     Okay. That was going to be  
18 my next question.

19                   Do you recall ever speaking  
20 with Dr. McCue about the assaults between  
21 [REDACTED] and [REDACTED]

22          A.     Again, I believe there were  
23 a number of conversations where she was  
24 on the phone call. I don't remember a



1 specific one-on-one conversation with  
2 her.

3 Q. I think, before, you had  
4 told me you didn't recall whether she was  
5 on the phone call with Dr. Bauer,  
6 Dr. Dietrich, and Kyle Hassler, and you.

7 A. On that specific phone call,  
8 correct.

9 Q. Do you recall her being on  
10 other phone calls with those men?

11 A. I do.

12 Q. What phone calls do you  
13 recall Dr. McCue being on the phone for?

14 A. I couldn't tell you specific  
15 phone calls. I remember her being part  
16 of the larger conversation, though, and  
17 her being on the phone. I can't point to  
18 a specific conversation or what the  
19 conversation was specifically regarding,  
20 but I remember her being part of the  
21 larger group that discussed the entire  
22 situation.

23 Q. And you said specifically  
24 you don't remember, but do you remember,

1 generally, what calls she was on or not  
2 on?

3 A. There were a number of phone  
4 calls. I don't.

5 Q. Do you recall her ever  
6 giving instructions specifically on the  
7 investigation or what was to be done or  
8 anything involving this situation?

9 A. I don't recall.

10 Q. Do you recall her ever  
11 sending you any emails or exchanging any  
12 emails with Dr. McCue about this  
13 situation?

14 A. Not that I recall.

15 Q. Do you recall any other  
16 emails that were sent about the  
17 situation?

18 I know we talked about phone  
19 calls, but do you recall ever  
20 communicating by email?

21 A. No.

22 Q. Did you ever send text  
23 messages to anybody, like Dr. Bauer,  
24 Dr. Dietrich, Kyle Hassler, anybody like

1     that about this situation?

2             A.     No.

3             Q.     I want to go back to  
4     page 539 that's on my screen. And this  
5     is the interview that you had with Sam,  
6     one of the other students in the class.

7                     Based on your notes, can you  
8     tell me what you recall about this  
9     interview with Sam?

10                    I guess if you could just go  
11    through your notes, line by line, what  
12    you were asking, what she was saying so I  
13    have an understanding of what these notes  
14    mean.

15             A.     Again, started with Sam sat  
16    in class, back left, as it appears from  
17    the teacher, that [REDACTED] was seated  
18    behind Sam -- directly behind Sam.

19                    Asked about some of the  
20    goings-on in class, what was happening,  
21    what Sam may have seen, or what the  
22    general gist of the class is, how the  
23    class is set up.

24                    Obviously, "typically people

1 doing stuff," which isn't very  
2 explanatory. But lesson, watching  
3 videos. Sam did mention that at times  
4 lights would be off during videos --

5 Q. Let me stop you there before  
6 we jump down to the next lines.

7 It says, "People doing  
8 stuff."

9 Was that her phrase that she  
10 used?

11 A. Yes.

12 Q. People were doing stuff?

13 A. Yes.

14 Q. And did you ask her what  
15 does that mean, "people doing stuff"?

16 A. If I did, there was nothing  
17 specific about how she answered that I  
18 would have written down to explain it.

19 Q. So here, looking at your  
20 notes, you don't have an understanding of  
21 what "people doing stuff" meant?

22 A. Correct.

23 Q. Means?

24 Correct?

1           A.     Correct.

2           Q.     And, then, you said that she  
3     told you, the next line, "lights were off  
4     during videos"?

5           A.     Mm-hmm.

6           Q.     Yes?

7           A.     Yes.    Sorry.

8           Q.     That's okay.   Everybody does  
9     it.

10                   The lights off during  
11     videos, did she explain to you how often  
12     that was happening or more detail about  
13     the lights off during videos in the  
14     class?

15           A.     No.    I believe that was a  
16     follow up when she asked -- when she  
17     responded that they would watch videos, I  
18     think I asked if the lights were on or  
19     off during videos and she responded that  
20     lights were off during videos.

21           Q.     Why did you ask if the  
22     lights were on or off during the videos?

23           A.     I guess I just wanted to  
24     know the lights were on or off during

1 videos based on the investigation and the  
2 nature of the investigation.

3 Q. Did you have any idea at  
4 this point -- or an understanding at this  
5 point, that the assaults that were  
6 occurring, that [REDACTED] was talking about,  
7 were occurring when the lights were off  
8 and they were watching videos?

9 A. I did not.

10 Q. Is that news to you? Is  
11 this the first time you're hearing that,  
12 then?

13 A. That is the first time I'm  
14 hearing that, yes.

15 Q. Were there any other  
16 questions that you asked her about these  
17 lights off during the videos?

18 A. No.

19 Q. Did you ask her -- did she  
20 tell you or did you ask her about where  
21 the desks were positioned when they were  
22 watching videos?

23 A. I did not.

24 Q. Do you recall asking

1 anybody, any of the students that you  
2 interviewed, about where the desks were  
3 positioned when they were watching videos  
4 when the lights were off?

5 A. I do not.

6 Q. The next thing that you  
7 wrote here, what does that mean?

8 A. I believe the question was  
9 how often or do they do partner work, do  
10 they partner up, do they work together --  
11 students -- or do they do more individual  
12 work.

13 Sam said that they do  
14 partner work pretty often or -- I wrote  
15 "always do," and that she, typically --  
16 Sam, typically -- goes to the opposite  
17 corner of the room to work with a partner  
18 on the opposite side of the room.

19 Q. This next line where it  
20 says, "choose partners," what is that  
21 referring to, what does that mean?

22 A. I believe, my recollection  
23 is I asked her if partners were  
24 predetermined by the teacher or if

1 partners were chosen by the students, if  
2 they had student choice in who they  
3 worked with.

4 And she would have answered,  
5 based on my handwriting here, that they  
6 choose their partners.

7 Q. Okay. And this last line  
8 here, what did you ask, what did she tell  
9 you?

10 A. She, obviously, told me that  
11 she hadn't seen anything inappropriate  
12 between [REDACTED] and [REDACTED] I assume the  
13 question was had she seen anything  
14 inappropriate, had there been anything  
15 she had witnessed or anything that had  
16 been reported to her or anything that,  
17 you know, had occurred during class that  
18 would have pointed her in the direction  
19 that something inappropriate had  
20 occurred.

21 Q. When you're using the term  
22 "inappropriate" with these students, did  
23 you define for them what you meant by  
24 "inappropriate?"



1           A.     No. I didn't specifically  
2 define it. As I think we've talked  
3 about, I had really no knowledge of what  
4 I was trying to define. And I was  
5 looking for if there was any kind of --  
6 anything they saw that was inappropriate,  
7 touching, anything that they saw that was  
8 inappropriate behavior or  
9 inappropriate -- you know, outbursts or  
10 anything that would point to the fact  
11 that something that shouldn't be  
12 happening in class was happening in  
13 class.

14           Q.     Did you break it down to  
15 each of these students like that,  
16 inappropriate touching, inappropriate  
17 outbursts, like you just did?

18           A.     I don't believe I did, no.

19           Q.     Was it more in the line  
20 of -- from what you can remember asking  
21 these questions -- of, Did you see  
22 anything inappropriate between these two?

23           A.     It would have been more  
24 along those lines, yes.

1           Q.     When you were asking these  
2 students, in these interviews, these  
3 questions, when you asked them, Did you  
4 see anything inappropriate, did you ask  
5 them specific to [REDACTED] and [REDACTED] or  
6 was it a more general question, Is there  
7 anything inappropriate that you saw in  
8 the room?

9           A.     No. It would have been more  
10 specific to [REDACTED] and [REDACTED]

11          Q.     Is there anything you can  
12 remember, other than what we've already  
13 discussed, about the interview with Sam?

14          A.     No.

15          Q.     Did any of these students --  
16 when you're asking these questions -- ask  
17 you, like, What is this about? Was  
18 something inappropriate?

19                 Did they ask any follow-up  
20 questions like that?

21          A.     No. Not that I can recall.

22          Q.     I think this is probably the  
23 page that you were talking about having  
24 to rescan.

1           A.     I believe that's the one.

2           Q.     Okay.

3                   MS. LLOYD:   Can we take two  
4           minutes, five minutes at this  
5           point?

6                   MS. LAUGHLIN:   Sure.

7                   MS. LLOYD:   Thanks.

8                   MS. LAUGHLIN:   Let's take  
9           five minutes.   Come back at 12:58.

10                           -   -   -

11                           (At this time, a short break  
12           was taken.)

13                           -   -   -

14                   MS. LAUGHLIN:   I'm going to  
15           share my screen again.

16   BY MS. LAUGHLIN:

17           Q.     Are you able to see that?

18           A.     Yes.

19           Q.     I believe it was page 540  
20   that we couldn't see.   I believe this is  
21   what has been produced as the cleaner  
22   copy that, I think, you recall  
23   rescanning.

24                   Is that right?

1           A.     Correct.

2           Q.     So I want to go over this  
3 one here.

4                   It says "Kristine" and  
5 there's kind of a diagonal word.

6                   Is that her last name?

7           A.     Yes.

8           Q.     So let's go through this  
9 note. And tell me what you recall about  
10 your interview with Kristine.

11           A.     It started with asking about  
12 any kind of behaviors in class, anything  
13 happening in class that, you know, she  
14 thought needed to be reported.

15                   She said behavior is fine.  
16 No behavior issues to report, that, you  
17 know, everything was fine in her social  
18 studies class.

19                   I asked her where she sat,  
20 line 3.

21                   She said, "Towards the  
22 back." There's an empty desk behind her,  
23 and that there's one person to her right,  
24 but that the person behind her moved to a

1 different school, meaning that [REDACTED] was  
2 the person that was seated behind her.  
3 So she was seated directly in front of  
4 [REDACTED]

5 Q. Okay. When you say "person  
6 behind who moved to a different school,"  
7 did Kristine know who [REDACTED] was?

8 A. I don't believe so, no.

9 Q. Did you ask for any  
10 follow-up questions about [REDACTED] moving  
11 to a different school?

12 A. I did not.

13 Q. From what you can recall,  
14 did Kristine give you any details as to,  
15 like, where she got that understanding or  
16 what that meant, that she moved to a  
17 different school?

18 A. She did not.

19 Q. Through the course of any of  
20 the interviews with the students, did you  
21 ever ask the students, like, why [REDACTED]  
22 was no longer in school, if they had any  
23 understanding about that?

24 A. I'm sorry. Say that one

1 more time?

2 Q. Through your interviews of  
3 any of these students, do you recall ever  
4 asking if they had any understanding of  
5 why [REDACTED] was no longer at school?

6 A. No.

7 Q. Going on to the next line,  
8 what were you asking? What was Kristine  
9 explaining to you?

10 A. I was asking her about group  
11 work and how that looked and what she  
12 did.

13 She explained that she --  
14 Kristine -- always works by herself in  
15 her seat, that she doesn't move, she  
16 doesn't work with a partner, chooses to  
17 work solo.

18 The next line, I asked more  
19 about others, and she said they -- you  
20 know, other kids in the class work in  
21 groups of two or three.

22 Follow up to that was if  
23 it's the student's choice, and she said  
24 it's always the student's choice.

1 There's never a time where the teacher  
2 makes them work in certain pairs or  
3 certain groups or puts the groups  
4 together, that it's student choice.

5 She said the worst thing  
6 that she had seen, was students get loud  
7 during group work and that -- you know,  
8 she hasn't been a witness to anything  
9 other than that.

10 Q. Let me stop you there before  
11 we go on to the next part.

12 When you said "during group  
13 behavior," that that's what she's  
14 describing, it that was loud when  
15 students are partnering up or working  
16 together?

17 A. Correct.

18 Q. When she said it's -- "being  
19 loud," meaning in the classroom, the  
20 classroom is generally loud when students  
21 are working together?

22 A. Correct.

23 Q. Okay. Did you ask any more  
24 detailed questions about that, the

1 students being loud or the teacher's  
2 involvement, if any?

3 A. No, not to my recollection  
4 at least.

5 Q. Okay. Is it safe to say,  
6 that if they had given you information,  
7 you would have put it down in these  
8 notes?

9 A. Absolutely.

10 Q. Did you ask Kristine or any  
11 of the other students about the conduct  
12 of Mr. Borgmann or what Mr. Borgmann was  
13 doing?

14 For example, here, when  
15 students are being loud, what Mr.  
16 Borgmann was doing?

17 A. I did not.

18 Q. Did you get any information  
19 from any of the students as to what Mr.  
20 Borgmann was doing or where he was when  
21 he would turn the lights off and show  
22 videos to the class?

23 A. I did not.

24 Q. For example, do you know



1 whether Mr. Borgmann was in the room when  
2 he would put on a video and turn the  
3 lights off?

4 A. I mean, for sure, no, but  
5 absolutely, the expectation is that  
6 teachers are in the room at all times  
7 when the students are.

8 Q. I'm sure.

9 Is there anything else that  
10 you can recall discussing with Kristine  
11 about the room being loud, students being  
12 loud in the class?

13 A. No.

14 Q. What's the next thing, the  
15 next line? What is that referring to?

16 A. She had reported that the  
17 girl behind her -- presumably [REDACTED] --  
18 had spat coke on her earlier in the  
19 school year.

20 As I said, it had been  
21 towards the beginning of the school year.  
22 That [REDACTED] apologized, and I had asked,  
23 at that point, like, what had happened.  
24 She said she wasn't sure, that she might

1 have been -- she might have been pushed.  
2 She doesn't know who had pushed her or if  
3 that's even what had happened, but that  
4 the coke was spat.

5 And I followed that up with  
6 a question of, What was happening? Why  
7 did that happen or what -- you know, what  
8 was going on in class when that happened?

9 She said they were doing  
10 work, the lights were on, it was towards  
11 the end of the period, earlier in the  
12 school year. So she had had her back to  
13 [REDACTED] had no idea what had happened.  
14 But that [REDACTED] was, you know, I guess,  
15 pleasant, whatever, apologized, helped  
16 clean it up.

17 And, then, the following  
18 line, I asked her about the teacher and  
19 what the teacher knew about that, or did  
20 the teacher address it or did it happen?

21 And she said she's not sure  
22 if the teacher saw it and that she didn't  
23 actually report anything to the teacher  
24 because -- you know, she didn't say

1 anything because she did not think that  
2 [REDACTED] did it on purpose and -- just  
3 didn't -- you know, Kristine didn't, I  
4 guess, mind too much or didn't really  
5 want to get anybody in trouble for  
6 something that seemed like an accident.

7 Q. Okay. As the principal, and  
8 before that, the assistant principal, is  
9 there, in your experience, kind of a --  
10 is it common for students not to want to  
11 tell on other students to get them in  
12 trouble?

13 Is that kind of, like, the  
14 feeling in the high school amongst  
15 students?

16 MS. LLOYD: Object to the  
17 form.

18 Go ahead.

19 THE WITNESS: I wouldn't say  
20 that's the feeling in the high  
21 school. I think the -- when you  
22 have 3,000 students in a high  
23 school, accidents happen and  
24 students will give other students

1           the benefit of the doubt. I don't  
2           think there's a culture of not  
3           telling on kids for something that  
4           is done in -- you know, on purpose  
5           or done to someone out of ill  
6           will.

7 BY MS. LAUGHLIN:

8           Q.       Okay. Did you ask Kristine  
9           at all -- and I'm just scrolling down so  
10          you can see the full page -- did you ask  
11          Kristine at all, or do you recall asking  
12          her about [REDACTED] and [REDACTED] specifically  
13          and anything that may have gone on  
14          between the two of them?

15          A.       I don't remember the  
16          specific conversation with Kristine. As  
17          I said, and as you asked, if something  
18          would have been told to me, I asked  
19          students about the relationship between  
20          [REDACTED] and [REDACTED] if there was anything  
21          there that she would have reported and I  
22          would have written it down here.

23                    The only thing she reported,  
24          at this point, was the coke incident. So

1     that's what I captured in the notes.

2             Q.     Okay. On page 541 of the  
3     record, there's a Patricia that you had  
4     interviewed.

5                     Is that better? Can you see  
6     it?

7             A.     That is better.

8             Q.     Okay. Tell me what you  
9     recall about this interview with  
10    Patricia.

11            A.     Patricia, as I recall,  
12    really -- if I recall the seating chart  
13    and I recall the conversation with  
14    Patricia correctly, she was off the  
15    beaten track a little bit. She wasn't  
16    one of the closer students and really had  
17    nothing to report.

18                     She, basically, said she  
19    puts her head down and doesn't pay  
20    attention to others.

21                     The groups that will go  
22    off -- I'm not -- the note there doesn't  
23    even make sense to myself, but I remember  
24    her kind of being -- I don't want to say

1 "standoffish," but she didn't really have  
2 anything to report, anything to really  
3 say about specifics. She knew who [REDACTED]  
4 was and she kind of explained to me where  
5 people sat and where she sat, in the  
6 middle towards the back.

7 Anthony was behind her, and  
8 Anthony works with Jack Stubbs. She  
9 talked about Chase and Camden on the  
10 football team and it was kind of -- there  
11 just wasn't much from her at all. I  
12 asked about some behaviors and anything  
13 that would rise to -- you know, specific  
14 to [REDACTED] or to [REDACTED]

15 She really didn't have  
16 anything on that. She basically went  
17 off, kind of on a tangent, about cheating  
18 on the first test. And there just really  
19 wasn't much from Patricia in the way of  
20 being able to add much to the  
21 conversation.

22 Q. Did you ask Patricia  
23 specifically about whether she saw or  
24 heard of anything involving [REDACTED] and

1       [REDACTED] specifically?

2               A.       Yeah.   Again, as I said, I  
3   think, a couple times now, I asked  
4   specific questions.   And if there was  
5   anything that was there, I would have  
6   written it down.   So she really had  
7   nothing to add to the conversation as far  
8   as [REDACTED] and [REDACTED]

9               Q.       I guess, so I'm trying to, I  
10   guess, understand.

11               Because in other ones, you  
12   had written, No, I didn't see anything  
13   inappropriate between [REDACTED] and [REDACTED]  
14   And, here, there's nothing written either  
15   way.

16               That's why I'm following up  
17   and asking:   Why didn't you write that?  
18   If the answer was, "No, I didn't see  
19   anything inappropriate," why didn't you  
20   write that here in these notes?

21               A.       As I said, specific to  
22   Patricia, I don't recall her really  
23   even -- what's the word I'm looking  
24   for -- calling out the fact that she

1 witnessed anything between them at all.  
2 Not that she even said, "I didn't see  
3 anything."

4 She, I don't believe, even  
5 knew necessarily -- I reference, at one  
6 point in here, "the other girl in the  
7 corner" who was -- it was [REDACTED] She  
8 didn't even know who she was.

9 So like I said, she was a  
10 little bit more standoffish and really  
11 had nothing to add and didn't  
12 specifically answer the question that  
13 there was anything inappropriate -- there  
14 was nothing that she saw that was  
15 inappropriate. She just failed to even,  
16 I guess, communicate that she even knew  
17 who [REDACTED] was. If that makes sense.

18 Q. Okay. Page 542 of the  
19 Bates-numbered records refers to Matt.

20 And these are all -- this is  
21 still all your handwriting, right?

22 A. Yes.

23 Q. And to your recollection, do  
24 you recall Kyle Hassler, at all, having a



1 notebook or writing anything down?

2 A. No. I believe you asked  
3 that before. I don't recall him taking  
4 any notes.

5 Q. Okay. Tell me what you  
6 recall about, like, going through your  
7 notes or conversation with Matt.

8 A. Yeah. Again, I'll go kind  
9 of line by line. I'm talking about where  
10 Matt sits -- or where Matt sat in class  
11 during 6th period social studies, middle  
12 of the back row.

13 The desk to the left of him  
14 was empty. I believe that's what it  
15 showed on the seating chart as well.  
16 Anthony, who we talked about earlier, sat  
17 to his right. So Matt was one person  
18 removed from [REDACTED] two people removed  
19 from [REDACTED]

20 He, at times, sat next to an  
21 empty desk, which, again, makes sense  
22 because the conversation was held long  
23 after [REDACTED] left the class.

24 He said there were no

1 behavioral concerns, that there was  
2 nothing that he saw -- you know, even  
3 when [REDACTED] was in the classroom. He  
4 chooses to work by himself all the time.

5 Q. Let me just stop you there  
6 so I can go back for a second. I don't  
7 mean to interrupt.

8 When you say "no concerns  
9 behaviorally," was that just general in  
10 the class he was telling you, or was that  
11 specific to [REDACTED] or [REDACTED]

12 A. That was more general to the  
13 class.

14 Q. And then -- sorry -- you  
15 said he chose to work by himself all the  
16 time and you were about to, I think, go  
17 to the next line; is that right?

18 A. Yeah.

19 He, again, I guess I forget  
20 which student it was now that we just  
21 talked about -- that, you know, sometimes  
22 it gets kind of loud in the class. I  
23 asked, again, more about the group work  
24 and what happens there.

1                   He says, most of the  
2 students get up and move around, most of  
3 them go find a partner in a different  
4 part of the room.

5                   He talked about somebody  
6 spilling something one or two -- the  
7 first week or two in class, which I liken  
8 back to the -- I believe it was Kristine  
9 that talked about the coke being spilled  
10 or spat or what have you.

11                  He said they're allowed to  
12 drink water, they're allowed to have  
13 drinks in the classroom, which is  
14 probably a follow-up at that point.

15                  At North Penn High School,  
16 they were allowed to have water, they  
17 weren't supposed to have soda. So that  
18 was a sidebar based on what the liquid  
19 was, but just trying to figure out if it  
20 was the same situation.

21                  He said he thought the  
22 teacher dealt with it and it was the end  
23 of class, so it matched up, in my mind,  
24 that it was the same situation when,

1     reportedly, [REDACTED] spit soda on the  
2     student in front of her. You know,  
3     again, it was an accident and that there  
4     was nothing malicious there.

5                     I asked about videos --

6             Q.     Let me stop you before there  
7     because I think you were going on to the  
8     next line.

9                     When you wrote "accident"  
10    here, you put a question mark. Why did  
11    you put a question mark here in your  
12    notes?

13            A.     That would have been based  
14    on the student's report that he thought  
15    it was an accident but he wasn't sure.  
16    You know, can be sure that that she  
17    didn't spit on the student in front of  
18    her on purpose? And that -- I think it  
19    was an accident. It was dealt with like  
20    it was an accident. And just put the  
21    question mark there to kind of denote the  
22    fact that, while not sure, he thought it  
23    was an accident.

24            Q.     Okay. And go ahead. The

1 next line.

2 A. Okay. Again, asked about  
3 videos, asked about movies when the  
4 lights are off, if there are any issues,  
5 anything that he witnessed, anything that  
6 happened.

7 He said there were no  
8 issues, that students pretty much just  
9 sit and watch the video. You know, and  
10 again, I talked about behavior. If there  
11 was anything that in class, specific to  
12 anyone or -- specific to the class or  
13 specific to, you know, [REDACTED] and [REDACTED]

14 He said, you know,  
15 basically, all he reported was the worst  
16 behavior is that some of the groups get  
17 loud or talkative when they're paired up  
18 in nonindependent work.

19 Q. This "lights off no issues,"  
20 was that, like, a more general question  
21 you were asking, like is there any issues  
22 when the lights go off, and he said no?

23 A. Correct.

24 Q. This is probably the fourth

1 student interview we've gone over or so  
2 now, and I think most students are  
3 writing about the room gets loud.

4 And were you getting, kind  
5 of, the sense from this room that it got  
6 a little rowdy at times when they would  
7 be doing group work?

8 A. I don't know that I would  
9 say "rowdy." I think it's typical, that  
10 it's certainly louder when students are  
11 working in groups because they're  
12 collaborating, they're talking with each  
13 other, they're doing things.

14 It's certainly louder than  
15 when you're doing something independent,  
16 like taking a quiz or a test or working  
17 in your book by yourself or reading. I  
18 did not get the sense that it was rowdy,  
19 just that -- if you walk into any class  
20 in North Penn High School and there's  
21 collaboration going on, it's going to be  
22 loud.

23 They didn't point to this as  
24 it's so loud that it's out of control,

1 just that -- you know, at times, it's a  
2 little bit louder. And that's to be  
3 expected.

4 Q. Anything else you can recall  
5 about this conversation that you had with  
6 Matt?

7 A. No.

8 Q. Once you had these -- did  
9 you ever report to Mr. Borgmann about  
10 what any of these students had said about  
11 what was going on in the classroom?

12 A. Not that I recall, no.

13 Q. Would you agree with me that  
14 when you had communicated with -- I think  
15 you said it was Dr. Bauer, that you had  
16 concluded your investigation and told him  
17 your conclusion on the investigation and  
18 your finding, would you agree with me  
19 that you, at that point, didn't turn over  
20 the handwritten notes that we had just  
21 gone over, to him?

22 A. I don't know that I would  
23 agree with you. I think, as I answered  
24 before, I don't recall the timeline of

1    when any of this was scanned or sent.  I  
2    couldn't tell you -- again, I couldn't  
3    tell you if that happened immediately, if  
4    it happened -- you know, at some time in  
5    the future from there.  I don't know  
6    that I can agree or disagree.

7           Q.     If you had sent these notes  
8    at some point to -- whether it was  
9    Dr. Bauer or even Dr. McCue, there would  
10   be an email -- right -- that would be  
11   sent with those attached?  Is that the  
12   way you would have sent it?

13           A.     Yes.

14           Q.     And again, when I ask you to  
15   check your emails involving this case,  
16   I'm asking you to include any email that  
17   you had sent of your investigation notes  
18   or anything like that, okay?

19           A.     Mm-hmm.  Yes.  Sorry.

20           Q.     It's okay.

21                   When you were communicating  
22   with Dr. Bauer on the phone -- I think  
23   you said when you told the conclusions,  
24   he was the one that was on the phone, you



1     couldn't recall anybody else being in  
2     that telephone call; is that accurate?

3             A.     I couldn't tell you one way  
4     or the other if anyone else was on the  
5     call. I know he was.

6             Q.     In that call where you were  
7     reporting your conclusions and what you  
8     found, from what you learned from your  
9     investigation, did you tell, in that  
10    phone call, specifically, that a student  
11    had reported that [REDACTED] was getting  
12    touchy with [REDACTED]

13            A.     As I think I answered  
14    before, my recollection of the  
15    conversation was running through the five  
16    interviews, kind of talking through what  
17    the students had said. I don't  
18    specifically recall saying that or  
19    sharing that, but it would have been  
20    certainly something that I feel I would  
21    have shared.

22                    Again, I don't recall the  
23    specifics.

24            Q.     You're saying that you

1 believe that you would have shared with  
2 them, specifically, that a student  
3 reported [REDACTED] telling them that [REDACTED]  
4 was getting touchy with her?

5 A. Sure.

6 Q. The specific instance of a  
7 student reporting that [REDACTED] and [REDACTED]  
8 didn't get along, do you believe that  
9 you -- did you communicate that, in the  
10 conversation, as part of your conclusion?

11 A. Again, my recollection is  
12 going through my notes, talking through  
13 what the students had said, and giving a  
14 summary of -- you know, kind of a, not a  
15 summary, but giving a somewhat detailed  
16 rundown of what each of the students had  
17 said and summarizing what the findings  
18 were.

19 Q. On this phone call that  
20 we're talking about, you recall  
21 specifically that Dr. Bauer was on that  
22 phone call; is that accurate?

23 A. Yes.

24 Q. When you believe that you

1 told Dr. Bauer, or whoever else was on  
2 the phone, about specifically using the  
3 phrase "getting touchy," [REDACTED] was  
4 getting touchy with [REDACTED] do you recall  
5 anybody asking you any questions about  
6 that or following up on that particular  
7 statement?

8 A. I don't recall, no.

9 Q. When you told them -- or you  
10 believe you told them, on the phone call,  
11 about you had learned that [REDACTED] and  
12 [REDACTED] didn't get along, did anybody on  
13 the phone call ask you any follow-up  
14 questions as to that statement, that  
15 [REDACTED] and [REDACTED] didn't get along?

16 A. Not that I recall.

17 Q. What is your understanding  
18 of -- were you familiar with [REDACTED]  
19 throughout his high school career at  
20 North Penn High School?

21 A. I will say I know -- I knew  
22 who he was, yes.

23 Q. Was there any other  
24 instances of misconduct throughout his

1 high school career that you were aware  
2 of?

3 A. Certainly, nothing that rose  
4 to my level as the high school principal,  
5 no.

6 Q. Is there anything that you  
7 had heard about, of any other instances  
8 of misconduct?

9 A. No. There certainly could  
10 have been class cuts or low-level  
11 discipline that I would not -- it would  
12 not be reported to me, out of the general  
13 course of business, but there was nothing  
14 that was reported to me at all.

15 Q. Do you know anything about  
16 [REDACTED] being involved in sports at North  
17 Penn, what sports he played, anything  
18 like that?

19 A. If I recall correctly, I  
20 believe he might have been part of our  
21 football team. I don't know if he played  
22 for three years or not. I believe, at  
23 some point, he may have been part of the  
24 football team, but I'm not sure.

1           Q.     Do you know, like, whether  
2 he was, like, a starting player or  
3 anything about, like, how good he was on  
4 football or any details like that?

5           A.     Just the fact that I'm not  
6 sure if he was on the team for sure or if  
7 he was on the team for the whole time.  
8 He certainly was not a starter. He was  
9 definitely not a standout athlete, if he  
10 was an athlete at all. If I'm recalling  
11 the football participation correctly.

12          Q.     Other than these notes being  
13 in your notebook, do you know whether  
14 those notes ended up anywhere else in,  
15 like, district files?

16          A.     No. Other than what you  
17 have here, I don't know where else they  
18 would be.

19          Q.     Are there any other notes or  
20 maybe like a Word document or Google Doc  
21 that you created involving this  
22 investigation?

23          A.     I believe I have a Google  
24 Doc of personal notes that has some

1 timeline on it, I believe.

2 Q. Involving this incident?

3 A. Yes.

4 MS. LAUGHLIN: I don't  
5 think -- what I showed you, I  
6 believe, is what I'm aware of, so  
7 I would ask after your deposition,  
8 for you to go to that Google Doc  
9 and pull out the information that  
10 is related to this case, this  
11 incident.

12 Are you able to do that?

13 THE WITNESS: Sure.

14 BY MS. LAUGHLIN:

15 Q. You said you think it  
16 contains a timeline?

17 A. If I recall correctly, that  
18 Google Doc has the exact date that my  
19 first conversation with Kate Small  
20 happened, the exact date that the  
21 detectives showed up, and maybe the exact  
22 date that I spoke with the students -- or  
23 Kyle Hassler and I spoke with the  
24 students. If I recall, that's kind of

1 what's included there.

2 Q. Do you know whether you kept  
3 any, like, extra notes just so you  
4 wouldn't forget what people told you,  
5 those types of things?

6 A. I don't recall having  
7 anything other than having the  
8 handwritten notes from the student  
9 investigation in the Google Doc.

10 Q. Did you take any notes after  
11 you had the conversation with the  
12 detectives from the Towamencin police?

13 A. I did not.

14 Q. Were you part of any  
15 discussions or meetings on changing North  
16 Penn School District sexual harassment  
17 policy?

18 A. No, not that I recall.

19 Q. It's my understanding that  
20 the sexual harassment policy that was in  
21 place in 2018 was then repealed and  
22 replaced by a new policy in, like, the  
23 last year or two.

24 Are you aware of that at

1 all?

2 A. Specific to sexual  
3 harassment? No. I know we're going  
4 through a full board review of -- through  
5 PSPA, of all of our school board  
6 policies, and they're one by one being  
7 repealed and updated. I have been part  
8 of conversations on certain policies. I  
9 don't recall being part of the sexual  
10 harassment policy.

11 So it's not -- I don't  
12 recall being part of the conversation on  
13 that specific policy. But, yes, I do  
14 know that policies are being repealed and  
15 replaced.

16 Q. Do you know when the kind of  
17 overview of policies and getting rid of  
18 old ones, replacing with new ones, do you  
19 know when that kicked off or started?

20 A. If it didn't start in the  
21 '18-'19 school year, it started in the  
22 '19-'20 school year. Not being in the  
23 weeds on that, I don't know when that  
24 exactly started. I'm just brought in on



1 certain points in the conversation on  
2 pieces that touch the high school.

3 Q. Okay. Were you part of any  
4 discussions after you concluded your  
5 investigation, or even before, in that  
6 school year about trying to make  
7 accommodations or offer accommodations  
8 for [REDACTED] in her education?

9 A. Beforehand, no. Afterwards,  
10 I was part of an IEP meeting that  
11 occurred at North Montco. I believe that  
12 was also sometime in November. But  
13 that's the extent.

14 Q. And were you actually  
15 present, like, physically in the room for  
16 that meeting?

17 A. I was.

18 Q. What do you recall about  
19 that IEP meeting at North Montco in that  
20 November?

21 A. My recollection is that  
22 Mrs. [REDACTED] was in no way, shape, or  
23 form interested in allowing [REDACTED] or  
24 wanting [REDACTED] to come back to the high

1 school, and that it was very much focused  
2 on how tech school would be supporting  
3 [REDACTED] the support that North Penn  
4 School District, as the home school,  
5 would be providing, to support [REDACTED] at  
6 North Montco. And again, that she would  
7 be at North Montco full time.

8 Q. You said in the meeting, you  
9 had the understanding that Mrs.  
10 [REDACTED] in no way, shape, or form  
11 wanted [REDACTED] back at North Penn High  
12 School.

13 How do you know that?

14 A. As I recall, there were  
15 statements made by Mrs. [REDACTED] that  
16 she wasn't returning to the high school,  
17 that she wanted her full time at North  
18 Montco. I mean, that --

19 Q. Sorry. Were you there for  
20 any explanation as to why?

21 Did she explain why she  
22 didn't want her daughter back at North  
23 Penn High School?

24 A. I don't specifically

1     remember if she called out [REDACTED] if she  
2     called out the details -- she certainly  
3     didn't share details, but she made it  
4     apparent and shared that it was due to  
5     the report that was made about what  
6     happened -- or what purportedly happened  
7     in 6th period social studies class.

8             Q.     After you concluded your  
9     investigation in early November, would  
10    you agree with me in saying that you and  
11    the high school weren't going to take --  
12    you were not taking any further steps in  
13    this investigation or any other things  
14    that you do involving what was reported?

15            A.     At the high school level, I  
16    would say that was the end of the steps  
17    we had taken. I can't speak for anyone  
18    outside of the high school.

19            Q.     Did anybody tell you they  
20    were going to take any additional steps  
21    after they had the phone call or you  
22    reported your investigation conclusion?

23            A.     I can't point to anything  
24    specific there that I recall, no.

1           Q.     After that initial meeting  
2 with the detectives, did you have any  
3 other conversations with, other than,  
4 like --

5                     I guess, did you have any  
6 other conversations with law enforcement  
7 about what had happened?

8           A.     I did not.

9           Q.     For example, you did not  
10 report to them or provide them with notes  
11 or information that you had received; is  
12 that right?

13          A.     That's correct.

14          Q.     In 2018, did North Penn High  
15 School -- or even before then, when you  
16 were the assistant principal there, did  
17 they have any type of anonymous student  
18 surveys, like, climate surveys for the  
19 students?

20          A.     I believe there was a  
21 climate survey that was administered in  
22 2018, '19. I don't recall if there were  
23 any climate surveys or any surveys, such  
24 as that, prior to that during my time as

1 an assistant principal.

2 Q. Do you recall what time --  
3 what part of the school year that climate  
4 survey was given?

5 A. That's a good question.  
6 I believe it was given more  
7 towards the spring of 2019.

8 Q. Since that had not been  
9 something that you had experienced at  
10 North Penn High School before, how did it  
11 come about that there was going to be a  
12 climate survey done that spring?

13 A. I was not part of those  
14 conversations. It was not just the high  
15 school. It was district wide. So I have  
16 no idea.

17 Q. The climate survey, was that  
18 something given to you by somebody in the  
19 administration of the district?

20 A. Yes.

21 Q. Do you recall who gave that  
22 to you?

23 A. I don't recall who shared  
24 it. I know it was a tool developed by

1 Hanover Research.

2 Q. By who?

3 A. Hanover Research.

4 Q. What is that?

5 A. It's an educational research  
6 company.

7 Q. Is that somebody that, like,  
8 North Penn, the district, consults with,  
9 or is that just general, all schools know  
10 about that stuff?

11 A. I think it's both. It would  
12 have been a contracted, paid-for tool.  
13 It's my understanding -- and I have very  
14 limited -- but it's my understanding it's  
15 the data-validated survey instrument that  
16 schools can use and -- you know, pay for  
17 to administer.

18 Q. Was Hanover -- what was the  
19 second word?

20 A. "Research."

21 Q. Hanover Research.

22 From as far as you know, is  
23 that something where they just administer  
24 surveys or is it more of an evaluation of

1    how things are going, how the district is  
2    doing?

3           A.     I don't know.

4           Q.     How was the climate survey  
5    administered?

6                   Was it something that was,  
7    like, passed out to each student to fill  
8    out and collect?

9           A.     No.   It was electronic.

10          Q.     Each student would receive  
11   an email that they should complete the  
12   survey?

13          A.     Correct.

14          Q.     And, then, what happened  
15   with the data?  Would it then be  
16   transferred back to Hanover?

17          A.     Yes.

18          Q.     And, then, as far as you  
19   know, would they report, like, what the  
20   conclusions were of the students?

21          A.     Yes.

22          Q.     Do you know whether once  
23   they got that data, reported it back to  
24   the district, whether Hanover would be

1 making recommendations as to, like, Oh,  
2 you should do this, people reported that,  
3 do it this way?

4 A. I don't know if there were  
5 recommendations made or data was shared.  
6 I'm not sure what that process was.

7 Again, it was at the  
8 district level, not at the high school  
9 level.

10 Q. Okay. Did anybody ever  
11 discuss with you -- since you're the  
12 principal of the high school -- what the  
13 results were of that climate survey?

14 A. Yes. The results of the  
15 survey were shared with all district  
16 admin.

17 Q. What do you remember about  
18 the results of that survey?

19 A. I don't remember anything  
20 specific at this point, it being a couple  
21 years ago. I remember it was shared in  
22 the summer of 2019, I believe. Other  
23 than that, I can't point to anything  
24 specific.



1           Q.     Do you recall what the  
2     climate survey covered, what types of  
3     things they were trying to determine  
4     based on the climate?

5           A.     If I recall, it covered some  
6     academics, it covered some social,  
7     emotional aspects of students. It also  
8     went out to parents and to, I believe,  
9     community as well. So there were some  
10    data on what the community felt about the  
11    school district, what parents felt.

12                    Again, it was a few years  
13    back, prior to COVID, and I don't recall  
14    specifics of exactly what was there.

15           Q.     Do you recall a climate  
16    survey happening since that time?

17           A.     I do not, no. A climate  
18    survey, no.

19           Q.     In terms of the climate  
20    survey -- I know you don't recall every  
21    question that was on there, but do you  
22    know whether there were portions of that  
23    survey that addressed the climate in,  
24    like, reporting, like, assaults or things

1     that are happening? Do you know whether  
2     it was covered by that survey?

3             A.     I don't recall.

4             Q.     Do you still, somewhere,  
5     have access to a copy of that climate  
6     survey that your students would have  
7     received?

8             A.     I do not.

9             Q.     Do you know who would house  
10    something like that or who would have  
11    that information?

12            A.     I would assume somebody at  
13    our educational services center. One of  
14    our district administrators would have  
15    access to that or would have a copy of  
16    that. I don't know.

17            Q.     When you were at that  
18    meeting in the summer where they talked  
19    about the conclusion, you know, that the  
20    climate surveys had come to, was there an  
21    actual report that was created of what  
22    the conclusions were, to your  
23    understanding?

24            A.     I know there was data that

1 was shared. I don't recall if there was  
2 a specific report that was shared.

3 Q. Okay. I mean, do you know  
4 whether the data came from some report?

5 A. It would have come back from  
6 Hanover Research. I have no idea what  
7 form it would have come back in. If it  
8 was raw data or if it was a larger  
9 report, I don't know.

10 Q. Okay. Did they implement  
11 any changes at the high school level  
12 based on that report?

13 A. We use data to inform some  
14 of our school goals for that school year.  
15 So it was used to implement some change,  
16 yes.

17 Q. Do you know whether any of  
18 those changes have anything to do with,  
19 like, Title IX, harassment, reporting,  
20 anything like that?

21 A. Not that I recall, no.

22 MS. LAUGHLIN: Kyle and  
23 Susan -- since you're filing in  
24 for Maureen -- I'll send a letter

1           afterwards or an email afterwards,  
2           but I would also request a copy of  
3           the Hanover Research climate  
4           survey and any conclusion  
5           report-type thing that was done  
6           after that.

7 BY MS. LAUGHLIN:

8           Q.     After you had finished your  
9           conclusion in November of 2018, did you  
10          do anything to -- or do you know whether  
11          you could or should offer any type of  
12          supports to [REDACTED] who had reported this?

13                 MS. LLOYD: Object to the  
14          form. Go ahead.

15                 THE WITNESS: I'm sorry.  
16                 Ask that one more time?

17 BY MS. LAUGHLIN:

18           Q.     I guess I'll back up a  
19          second.

20                         To your understanding as the  
21          principal -- and before that, assistant  
22          principal -- for this North Penn High  
23          School, did you have an understanding,  
24          after a conclusion was done, whether

1 students should be offered any type of  
2 accommodations?

3 A. Yes.

4 Q. I guess, from your  
5 understanding, is it only if a report is  
6 substantiated then you offer  
7 accommodations? Or what is your  
8 understanding of when students are  
9 offered accommodations?

10 A. My understanding is that we  
11 would accommodate a student to make them  
12 feel comfortable and allow them to access  
13 their education in a way that they're not  
14 feeling threatened or in fear of any kind  
15 of retaliation or any kind of further  
16 harassment.

17 Q. Was [REDACTED] offered any  
18 accommodations -- that you know of --  
19 after this?

20 A. Honestly, you would have to  
21 ask North Montco. She was no longer a  
22 student here at the high school.

23 Q. Is it your understanding  
24 that once a student is no longer in the

1 North Penn High School building, can they  
2 no longer offer accommodations to a  
3 student that is attending the tech  
4 school?

5 A. I'm not trying to be  
6 difficult here, but I'm not sure what  
7 accommodations we could provide at the  
8 tech school.

9 The tech school was  
10 providing accommodations and we were  
11 supporting them from the IEP process.  
12 I'm not sure what, as North Penn High  
13 School, we would do for a student that's  
14 not stepping foot in our building.

15 Q. Other than the IEP meeting  
16 that you were at that you described in  
17 November at North Montco, did you ever  
18 have any other conversations with Mrs.

19 [REDACTED]

20 A. Not that I recall.

21 Q. Do you recall ever trying to  
22 reach out to [REDACTED] or Mrs. [REDACTED]  
23 to talk about what had happened at the  
24 high school?

1           A.     I believe you asked if that  
2     was after the IEP meeting. I know I had  
3     a phone conversation with Mrs.  
4     [REDACTED] on at least one occasion  
5     prior to the IEP meeting and prior to the  
6     conclusion of all this. I don't recall  
7     when that was.

8           Q.     What do you recall about  
9     that conversation you had with her?

10          A.     I recall that she was  
11     extremely upset by the fact that [REDACTED]  
12     and [REDACTED] were in the same class; that  
13     she was very angry that we allowed them  
14     to be in the same class and we allowed  
15     her to be subject to the assault that she  
16     had reported.

17                     And that Mom was adamant --  
18     again, similar to when we met at North  
19     Montco -- that [REDACTED] would not be  
20     returning to North Penn High School.

21          Q.     Did Mrs. [REDACTED] give  
22     you a sense of how [REDACTED] was doing or  
23     how [REDACTED] felt about the whole thing?

24          A.     Not that I can specifically

1 remember, no.

2 Q. Did you ask Mrs. [REDACTED]  
3 about [REDACTED] how [REDACTED] was doing or how  
4 she was feeling?

5 A. If I recall the conversation  
6 correctly, I had a difficult time  
7 speaking because she was very angry. And  
8 while I believe I asked how [REDACTED] was  
9 doing, I don't recall specifically if she  
10 answered me or if I was able to get my  
11 sentiments across. Because as I said,  
12 she was very heightened, very angry at  
13 the time.

14 Q. Was there any other point in  
15 time where you tried to get, like you  
16 said, your sentiments across to Mrs.  
17 [REDACTED] as it related to [REDACTED]

18 A. I don't recall.

19 Q. The sentiments you're  
20 talking about, what sentiments are you  
21 talking about wanting to get across to  
22 Mrs. [REDACTED] at that time?

23 A. Well, I mean, I'm a high  
24 school principal and a dad. I care about



1 kids. I want to know how kids -- as you  
2 mentioned, I want to know how kids are  
3 doing and how they're managing, how  
4 they're feeling, you know? So that would  
5 have been the conversation is -- you  
6 know, just the fact that I -- while I  
7 didn't know [REDACTED] in her time here, you  
8 know, I don't want to see kids hurting  
9 and I don't want to see kids upset about  
10 a situation and I typically offer to do  
11 anything I can to help a student.

12 You know, so that would have  
13 been the sentiments, I guess.

14 Q. I know you said in that  
15 conversation you didn't get to really get  
16 that opportunity because Mrs. [REDACTED]  
17 was so upset; is that right?

18 A. Correct.

19 Q. Was there any later point  
20 that you had reached out to Mrs.

21 [REDACTED] to convey those sentiments  
22 that you just talked about?

23 A. Again, not that I recall.

24 Q. Do you recall receiving an

1 incident report from North Montco about  
2 an incident with [REDACTED] involving alcohol  
3 on November 2, 2018?

4 A. I don't specifically  
5 remember receiving an incident report,  
6 but I do recall that there was a  
7 suspension that [REDACTED] received for  
8 either use of and/or possession of  
9 alcohol on school property, yes.

10 Q. Since she wasn't a North  
11 Penn -- in the North Penn High School  
12 anymore, why did you receive information  
13 about a disciplinary issue at the tech  
14 school about [REDACTED]

15 A. Typically, when a student is  
16 at North Montco, whether they're full  
17 time at North Montco or just part time at  
18 North Montco, if there's a discipline  
19 issue, we would be advised, especially  
20 when it is a student with an IEP.  
21 Because it would, typically, involve  
22 their reconvening of the IEP team to talk  
23 about the incident and make sure that the  
24 student is supported in moving forward, a

1 manifestation meeting, and all those  
2 pieces that come into play.

3 Q. Even though a student is at  
4 North Montco full time, the district is  
5 still able to, and does, implement like  
6 IEPs and things for that student even  
7 though they're not technically in the  
8 high school building; is that accurate?

9 A. It depends on the specific  
10 student and their needs. North Montco  
11 does have a special education department  
12 and case manager, and they're able to  
13 implement many of the accommodations,  
14 modifications, SCI, that students need.  
15 And some cases, students with higher  
16 levels of need, they do request -- you  
17 know, we do send additional supports from  
18 North Penn High School.

19 Q. Do you know what, if  
20 anything -- do you recall discussing the  
21 alcohol incident with anybody when you  
22 found out about it?

23 A. I don't recall any  
24 discussions specific to that, no.

1           Q.     Other than that incident, do  
2     you recall ever receiving any other  
3     disciplinary issues that [REDACTED] had  
4     during her time at North Montco?

5           A.     I do not.

6           Q.     Is there some type of level  
7     of issue or, like, bad thing that has  
8     done -- for lack of a better term -- is  
9     there any, like, level that, then, the  
10    high school gets notified, but more minor  
11    infractions they don't?

12          A.     I guess that's a question  
13    more for North Montco.

14                 Like I said, we would be  
15    notified as far as if a manifestation  
16    meeting was going to be held, a  
17    manifestation hearing, or if an IEP team  
18    was going to be reconvened. In this  
19    case, I guess both.

20                 We do not typically hear  
21    from North Montco when a student has a  
22    lower-level disciplinary infraction,  
23    cutting class or something -- chewing gum  
24    in class. I don't know. I'm making that

1 up.

2 But we're not notified of  
3 every disciplinary infraction, no.

4 Q. After you had notified  
5 Dr. Bauer, and whoever else in that phone  
6 call, that your investigation had  
7 concluded, was there anything else that  
8 you had done or you were aware of being  
9 done involving the incidents, the  
10 assaults between [REDACTED] and [REDACTED]

11 A. Again, at the high school,  
12 I'm not aware. I don't know.

13 MS. LAUGHLIN: Those are all  
14 the questions that I have for you.  
15 Thank you, Mr. Nicholson.

16 THE WITNESS: Thank you. I  
17 appreciate it.

18 MS. LLOYD: I have no  
19 questions.

20 MS. LAUGHLIN: All right.  
21 Thank you.

22 - - -

23 (Deposition was concluded at  
24 1:49 p.m.)

CERTIFICATION

I, Emily Andreassen, certify that  
the witness was duly sworn by me and that  
the deposition is a true and accurate  
record of the testimony given by the  
witness.



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Emily Andreassen  
Court Reporter and Notary Public  
Dated:

(The foregoing certification of this  
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